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***VANLOAN V. NATION OF ISLAM ET AL.*, NO. 21-2699**

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JUDGMENT OF THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT (AUGUST 2, 2022)

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

JONATHAN VANLOAN,

Appellant,

v.

NATION OF ISLAM; LOUIS FARRAKHAN; TONY MUHAMMED; CITY OF SANTA ANA CALIFORNIA; LYSETTE MURILLO; GIL ANDRES; DAVID VALENTIN; JASON VIRAMONTES; KENNETH GOMINSKY; ENRIQUE ESPARZA; ERIC PAULSON; MARTHA GUILLEN; NORMAN SBABO; MARK PEREZ; MANUEL VERDIN; DAVID REYES; BENITA ESPARZA; LETICIA CAUBLE; VINCENT RODRIGUEZ; DANIEL GARCIA; IUPELI MANEAFAIGA; RUBEN CAMPOS; ERNEST VILLEGAS; CHELSEA RAMIREZ; CLAUDIA AUDELO; OMAR PEREZ; VICTOR MOYAO; SUSAN THOMAS REED; MICHELLE MONREAL; SANDRA GALLEGOS; TERESA RUELAS; LUIS GARCIA; VINCENT GALAZ; LAURA SANTOS; MARY RODRIGUEZ; VANESSA CLARKSON; ANDREW HERRERA; FRANCISCO JUAREZ; RICK ZAVALA; EDGAR PEREZ; MELANIE QUINGAIZA; SAMUEL RIVERA; PEDRO LUNA; CAROLINE CONTRERAS; GUSTAVO RIVERA; CLAUDIA SMITH; MELINDA

MENDOZA; MARGO TODD; CODY MCCOY; MIGUEL PULIDO; DAVID PENALOZA; PHILLIP BACERRA; VICENTE SARMIENTO; JUAN VILLEGAS; JOSE SOLORIO; SANTA ANA POLICE OFFICERS ASSOCIATION, INC; CITY OF FOUNTAIN VALLEY CALIFORNIA; KEVIN CHILDE; RICARDO CENDEJAS; SHERWIN BURGOS; PROVIDENCE HEALTH & SERVICES, INC; RODNEY F. HOCHMAN, M.D.; M.D. JAMES PIEROG; M.D. AMY COMPTON PHILLIPS; DOE DEFENDANTS 1-50,

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No. 21-2699

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civil Action No. 2-20-cv-06112)
District Judge: Honorable Wendy Beetlestone

Before: GREENAWAY, JR., PORTER, and NYGAARD, Circuit Judges.

JUDGMENT

This cause came to be considered on the record from the United States District Court for the Eastern District of Pennsylvania and was submitted pursuant to Third Circuit L.A.R. 34.1(a) on June 16, 2022. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the judgment of the District Court entered August 17, 2021, be and the same is hereby affirmed. Costs taxed against the appellant. All of the above in accordance with the opinion of this Court.

ATTEST:

/s/ Patricia S. Dodszuweit
Clerk

Dated: August 2, 2022

OPINION* OF THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT (AUGUST 2, 2022)

NON PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

JONATHAN VANLOAN,

Appellant,

v.

NATION OF ISLAM; LOUIS FARRAKHAN; TONY MUHAMMED; CITY OF SANTA ANA CALIFORNIA; LYSETTE MURILLO; GIL ANDRES; DAVID VALENTIN; JASON VIRAMONTES; KENNETH GOMINSKY; ENRIQUE ESPARZA; ERIC PAULSON; MARTHA GUILLEN; NORMAN SBABO; MARK PEREZ; MANUEL VERDIN; DAVID REYES; BENITA ESPARZA; LETICIA CAUBLE; VINCENT RODRIGUEZ; DANIEL GARCIA; IUPELI MANEAFAIGA; RUBEN CAMPOS; ERNEST VILLEGAS; CHELSEA RAMIREZ; CLAUDIA AUDELO; OMAR PEREZ; VICTOR MOYAO; SUSAN THOMAS REED; MICHELLE MONREAL; SANDRA GALLEGOS; TERESA RUELAS; LUIS GARCIA; VINCENT GALAZ; LAURA SANTOS; MARY RODRIGUEZ; VANESSA

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

CLARKSON; ANDREW HERRERA; FRANCISCO JUAREZ; RICK ZAVALA; EDGAR PEREZ; MELANIE QUINGAIZA; SAMUEL RIVERA; PEDRO LUNA; CAROLINE CONTRERAS; GUSTAVO RIVERA; CLAUDIA SMITH; MELINDA MENDOZA; MARGO TODD; CODY MCCOY; MIGUEL PULIDO; DAVID PENALOZA; PHILLIP BACERRA; VICENTE SARMIENTO; JUAN VILLEGAS; JOSE SOLORIO; SANTA ANA POLICE OFFICERS ASSOCIATION, INC; CITY OF FOUNTAIN VALLEY CALIFORNIA; KEVIN CHILDE; RICARDO CENDEJAS; SHERWIN BURGOS; PROVIDENCE HEALTH & SERVICES, INC; RODNEY F. HOCHMAN, M.D.; M.D. JAMES PIEROG; M.D. AMY COMPTON PHILLIPS; DOE DEFENDANTS 1-50,

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No. 21-2699

On Appeal from the United States District Court
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(D.C. Civil Action No. 2-20-cv-06112)
District Judge: Honorable Wendy Beetlestone

Before: GREENAWAY, JR., PORTER, and NYGAARD, Circuit Judges.

OPINION

PER CURIAM

Appellant Jonathan VanLoan appeals from the District Court's order dismissing his complaint with prejudice. For the reasons that follow, we affirm.

VanLoan filed the operative amended complaint against defendants, the Nation of Islam, the City of

Santa Ana, California, Providence Health & Services Inc., and several individuals associated with those entities, alleging that defendants have engaged in a seven-year conspiracy to murder him. According to VanLoan, the conspiracy began in December 2013, after VanLoan sent his girlfriend a text message where he used a racial slur to describe an acquaintance, Vince Allen. Allen, who is a member of the Nation of Islam, showed the message to his minister who designated VanLoan a "Person of Interest" – i.e., an individual the Nation of Islam intends to kill. VanLoan alleged defendants violated, among other things, his right to freely exercise his religion and his right to equal protection under law and raised claims of battery, assault, and false imprisonment. He seeks relief under 42 U.S.C. § 1983 and California tort law.

Some, but not all, defendants moved in groups to dismiss the complaint because the District Court lacked subject matter jurisdiction over the § 1983 claim, *see* Fed. R. Civ. P. 12(b)(1), and because the tort claims failed to state a claim for relief, *see* Fed. R. Civ. P. 12(b)(6). The District Court granted the motions to dismiss and dismissed the complaint with prejudice, noting that amendment would be futile. Thereafter, pursuant to VanLoan's request, the District Court dismissed the remaining defendants without prejudice.[1] This timely appeal followed.

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[1] Those defendants are the Nation of Islam, Louis Farrakhan, Tony Muhammed, Juan Villegas, the Santa Ana Police Officers Association, Inc., and the Doe Defendants. *See* ECF No. 75.

We have jurisdiction pursuant to 28 U.S.C. § 1291.[2] We review de novo the District Court's grant of the motion to dismiss pursuant to Rule 12(b)(6), and the District Court's dismissal for lack of subject matter jurisdiction under Rule 12(b)(1). *See Newark Cab Ass'n v. City of Newark*, 901 F.3d 146, 151 (3d Cir. 2018) (12(b)(6) standard); *Davis v. Wells Fargo*, 824 F.3d 333, 346 (3d Cir. 2016) (12(b)(1) standard). We will affirm the District Court's dismissal of the complaint.

A complaint may be dismissed under Rule 12(b)(1) "only if [the claim raised therein] clearly appears to be immaterial and made solely for the purpose of obtaining jurisdiction or is wholly insubstantial and frivolous." *Gould Elecs. Inc. v. United States*, 220 F.3d 169, 178 (3d Cir. 2000) (internal quotation marks omitted). While VanLoan's complaint purported to rely on 42 U.S.C. § 1983, his allegations do not implicate a federal right. VanLoan's purported § 1983 claim – that, for seven years, over fifty individuals have conspired to murder him for sending a text message with a racial slur – is "wholly insubstantial and

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[2] After the District Court entered the with-prejudice dismissal order, VanLoan voluntarily dismissed the claims against the remaining defendants. The District Court's with-prejudice dismissal order is a final and appealable order that this Court has jurisdiction to consider. *See In re Merck & Co. Sec., Derivative & ERISA Litig.*, 493 F.3d 393, 399 (3d Cir. 2007) (noting that a with-prejudice dismissal order is final and appealable); *Camesi v. Univ. of Pittsburgh Med. Ctr.*, 729 F.3d 239, 246 (3d Cir. 2013) (explaining that a plaintiff's voluntary dismissal of claims against parties can render an adjudication on the merits a final and appealable order).

frivolous," and the District Court's dismissal of that claim for lack of jurisdiction was proper.

As for the state law claims, the District Court properly concluded that it had jurisdiction to consider those claims under § 1332(a), as VanLoan is a citizen of Pennsylvania, none of the defendants is a citizen of Pennsylvania, and the amount in controversy exceeded $75,000. *See Golden v. Golden*, 382 F.3d 348, 355 (3d Cir. 2004); *Lincoln Benefit Life Co. v. AEI Life*, LLC, 800 F.3d 99, 107 (3d Cir. 2015) (explaining that a plaintiff can allege that the defendants are not citizens of plaintiff's state of citizenship to establish diversity). As the District Court noted, VanLoan's tort claims were based on conjecture. Indeed, other than his vague conspiracy allegations, he pointed to no specific facts establishing that defendants attempted to harm him. Because the allegations are completely devoid of possible merit, VanLoan cannot prove any set of facts would entitle him to relief. Accordingly, dismissal of those claims under Rule 12(b)(6) was proper. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). So, too, was dismissal of the complaint with prejudice. *See Grayson v. Mayview State Hosp.*, 293 F.3d 103, 108 (3d Cir. 2002). Although VanLoan contests the dismissal of his claims, he has not provided any additional factual allegations that suggest that his claims should be allowed to proceed.

Finally, we have considered VanLoan's various arguments in his appellate brief and conclude that they lack merit. He merely rehashes the arguments he pressed in the District Court. We have also considered VanLoan's documents in support of his appeal filed on June 3 and June 29, 2022. Those documents do not

affect the outcome of this appeal. Accordingly, we will affirm the judgment of the District Court.

MEMORANDUM OPINION OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA (AUGUST 16, 2021)

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JONATHAN VANLOAN,

Plaintiff,

v.

NATION OF ISLAM, ET AL.,

Defendants.

Civil Action No. 20-6112

Before: Wendy BEETLESTONE, Judge.

MEMORANDUM OPINION

Plaintiff Jonathan VanLoan, proceeding pro se, claims that Defendants, including the Nation of Islam, the cities of Santa Ana and Fountain Valley, California, Providence Health & Services, Inc., and dozens of individuals associated with those entities, are members of a "seven-year, multi-state Campaign of Terror and Attempted Murder" against him that began in response to a text message he sent in 2013 referring to an acquaintance using a racial slur. He claims that members of this nationwide conspiracy

have surveilled or attempted to murder him during various incidents alleged in the Complaint, including at several coffee shops, the Santa Ana City Jail, a hospital owned by Providence Health & Services, Inc., and a sober living house in Fountain Valley, California, *inter alia*.

VanLoan asserts claims under California law for assault, battery, false imprisonment, and intentional infliction of emotional distress, and under 42 U.S.C. § 1983 for violations of his constitutional rights. The Providence Health & Services Defendants, the City of Fountain Valley Defendants, and the City of Santa Ana Defendants have each filed a motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).[1]

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[1] The Providence Health & Services Defendants include Providence Health & Services, Inc., two Providence Health executives, Rodney F. Hochman, M.D. and Amy Compton-Phillips, M.D., and the Medical Director of the Emergency Department at a hospital owned by Providence Health, James Pierog, M.D. The City of Fountain Valley Defendants include the City of Fountain Valley, the former Fountain Valley Police Chief, Kevin Childe, and two Fountain Valley police officers, Ricardo Cendejas and Sherwin Burgos. The City of Santa Ana Defendants include the City of Santa Ana, members of the Santa Ana City Council (Miguel Pulido, David Penaloza, Phillip Bacerra, Vicente Sarmiento, and Jose Solorio), and officers and supervisors of the Santa Ana Police Department (Gil Andres, Lysette Murillo, David Valentin, Jason Viramontes, Kenneth Gominsky, Enrique Esparza, Eric Paulson, Martha Guillen, Norman Sbabo, Mark Perez, Manuel Verdin, David Reyes, Benita Esparza, Leticia Cauble, Vincent Rodriguez, Daniel Garcia, Iupeli Maneafaiga, Ruben Campos, Ernest Villegas, Chelsea Ramirez, Claudia Audelo, Omar Perez, Victor Moyao, Susan Thomas-Reed, Michelle Monreal, Sandra Gallegos, Teresa Ruelas, Luis Garcia, Vincent Galaz, Laura Santos, Mary Rodriguez, Vanessa Clarkson, Andrew Herrera, Francisco Juarez, Rick Zavala, Edgar Perez, Melanie Quingaiza, Samuel

Under Rule 12(b)(1), a claim may be dismissed for "lack of subject-matter jurisdiction." Fed. R. Civ. P. 12(b)(1). Where, as here, a motion to dismiss under Rule 12(b)(1) challenges jurisdiction based on the face of a complaint, "the court must only consider the allegations of the complaint and documents referenced therein and attached thereto, in the light most favorable to the plaintiff." *Gould Elecs. Inc. v. United States*, 220 F.3d 169, 176 (3d Cir. 2000) (citations omitted). Although generally the merits of a "cause of action does not implicate subject-matter jurisdiction, *i.e.*, the court's statutory or constitutional power to adjudicate the case," *Steel Co. v. Citizens for a Better Envt.*, 523 U.S. 83, 89 (1998) (citation omitted), "[t]he Supreme Court has authorized courts to dismiss under Rule 12(b)(1) for lack of [subject matter] jurisdiction due to merits-related defects in . . . narrow categories of cases," *Davis v. Wells Fargo*, 824 F.3d 333, 349-50 (3d Cir. 2016). Specifically, under the substantiality doctrine, "federal courts are without power to entertain claims otherwise in their jurisdiction if they are so attenuated and unsubstantial as to be absolutely devoid of merit, wholly insubstantial, obviously frivolous, plainly unsubstantial, or no longer open to discussion." *Hagans v. Lavine*, 415 U.S. 528, 537 (1974) (quotation marks and citations omitted). Thus, pursuant to Rule 12(b)(1), a "claim invoking federal-question jurisdiction under 28 U.S.C. § 1331 . . . may be dismissed for want of subject-matter jurisdiction if it is not colorable, *i.e.*, if it is . . . wholly insubstantial and frivolous." *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 513 n.10 (2006) (quotation marks and citation omitted).

Rivera, Pedro Luna, Caroline Contreras, Gustavo Rivera, Claudia Smith, Melinda Mendoza, Margo Todd, and Cody Mccoy).

Each of the pending Motions to Dismiss contends that Plaintiff's Section 1983 claims should be dismissed for lack of subject matter jurisdiction under the substantiality doctrine. The Court agrees. Pro se complaints, "however inartfully pleaded," are subject to "less stringent standards than formal pleadings drafted by lawyers." *Haines v. Kerner*, 404 U.S. 519, 520 (1972); *see also Higgs v. Atty. Gen. of the U.S.*, 655 F.3d 333, 339 (3d Cir. 2011) ("The obligation to liberally construe a pro se litigant's pleadings is well-established."). Even liberally construed, however, VanLoan's Section 1983 claims offer the sort of insubstantial and frivolous allegations that are so devoid of merit that they cannot confer subject matter jurisdiction on the basis of a federal question. *See Arbaugh*, 546 U.S. at 513 n.10 (2006); *see also, e.g., DeGrazia v. F.B.I.*, 316 F. App'x 172, 172-73 (3d Cir. 2009) (claim properly dismissed as insubstantial where plaintiff alleged he was "the victim of a government-run . . . genetic experiment," a "fantastic scenario[ ] lacking any arguable factual basis"). The gravamen of Plaintiff's claim is that the Nation of Islam and a host of unrelated Defendants have hunted him across the United States for seven years, all because he used a racial slur in a single text message. The Complaint offers no factual basis for his obviously fantastical conspiracy theory. As alleged in the Complaint, VanLoan's suspicion that unnamed persons he encountered or interacted with were attempting to murder him is based primarily on their race or ethnicity. Nor does VanLoan allege facts indicating that there is any connection between the Nation of Islam and the other Defendants. Because Plaintiff's allegations are "wholly insubstantial and frivolous," his Section 1983 claim must be dismissed for lack of subject matter jurisdiction. *Kehr Packages,*

Inc. v. Fidelcor, Inc., 926 F.2d 1406, 1408 (3d Cir. 1991) (quotation marks and citation omitted).

Defendants also move to dismiss Plaintiff's state law claims under Rule 12(b)(6) for failure to state a claim upon which relief can be granted, contending that these claims lack adequate factual support sufficient to state a claim.[2] Dismissal under Rule 12(b)(6) is proper where "accepting all well-pleaded allegations in the complaint as true, and viewing them in the light most favorable to plaintiff, plaintiff is not entitled to relief." *Maio v. Aetna, Inc.*, 221 F.3d 472, 481-82 (3d Cir. 2000) (quotation marks and citations omitted). To survive a motion to dismiss, a complaint must contain "sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quotation marks and citation omitted). A claim is facially plausible where it has "factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* (citation omitted). However, "a court need not credit a complaint's bald assertions or legal conclusions when deciding a motion to dismiss," *Morse v. Lower Merion Sch. Dist.*, 132 F.3d 902, 906 (3d Cir. 1997) (quotation marks and citations omitted), nor accept as true "unsupported conclusions and unwarranted inferences," *Schuylkill Energy Res.*,

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[2] Jurisdiction over VanLoan's state law claims is proper pursuant to the diversity jurisdiction statute, 28 U.S.C. § 1332, as the Complaint alleges that Plaintiff is a resident of Pennsylvania and Defendants are not residents of or incorporated in Pennsylvania, and Plaintiff seeks damages exceeding $75,000. *See also Lincoln Ben. Life Co. v. AEI Life, LLC*, 800 F.3d 99, 104-05, 107 (3d Cir. 2015).

Inc. v. Pa. Power & Light Co., 113 F.3d 405, 417 (3d Cir. 1997).

Plaintiff's state law claims must be dismissed under Rule 12(b)(6) for failure to state a claim. The Complaint offers insufficient factual support for its claims that the Providence Health & Services, Fountain Valley, or Santa Ana Defendants are liable in tort under California law for their participation in the purported conspiracy. The Complaint instead premises its tort claims on VanLoan's suspicions that persons he encountered during the various incidents recounted in the Complaint were operatives of the Nation of Islam who intended to murder him, and his unsupported speculation that officers and employees of Providence Health & Services, Inc., the City of Fountain Valley, and the City of Santa Ana were co-conspirators in the violent plot. "Even on a motion to dismiss, we are not required to credit mere speculation." *Zavala v. Wal Mart Stores Inc.*, 691 F.3d 527, 542 (3d Cir. 2012) (citation omitted). Because VanLoan's state law claims are supported only with unwarranted inferences and speculation, not with factual allegations sufficient to support the "reasonable inference that the defendant[s are] liable for the misconduct alleged," his state law claims must be dismissed for failure to state a claim upon which relief can be granted. *Iqbal*, 556 U.S. at 678.

Accordingly, the motions to dismiss filed by the Providence Health & Services Defendants, City of Fountain Valley Defendants, and the City of Santa Ana Defendants will be granted. Because Plaintiff's claims are premised solely on a fantastical conspiracy theory, any further amendment to the Complaint would be futile. *See Alston v. Parker*, 363 F.3d 229, 235 (3d

Cir. 2004). Accordingly, Plaintiff will not be granted leave to file an amended complaint.

An appropriate order follows.

BY THE COURT:

/s/ Wendy Beetlestone, J.

Date: 8/16/2021

ORDER OF THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT DENYING PETITION FOR REHEARING (AUGUST 31, 2022)

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

JONATHAN VANLOAN,

Appellant,

v.

NATION OF ISLAM; LOUIS FARRAKHAN; TONY MUHAMMED; CITY OF SANTA ANA CALIFORNIA; LYSETTE MURILLO; GIL ANDRES; DAVID VALENTIN; JASON VIRAMONTES; KENNETH GOMINSKY; ENRIQUE ESPARZA; ERIC PAULSON; MARTHA GUILLEN; NORMAN SBABO; MARK PEREZ; MANUEL VERDIN; DAVID REYES; BENITA ESPARZA; LETICIA CAUBLE; VINCENT RODRIGUEZ; DANIEL GARCIA; IUPELI MANEAFAIGA; RUBEN CAMPOS; ERNEST VILLEGAS; CHELSEA RAMIREZ; CLAUDIA AUDELO; OMAR PEREZ; VICTOR MOYAO; SUSAN THOMAS REED; MICHELLE MONREAL; SANDRA GALLEGOS; TERESA RUELAS; LUIS GARCIA; VINCENT GALAZ; LAURA SANTOS; MARY RODRIGUEZ; VANESSA CLARKSON; ANDREW HERRERA; FRANCISCO JUAREZ; RICK ZAVALA; EDGAR PEREZ; MELANIE QUINGAIZA; SAMUEL RIVERA; PEDRO LUNA; CAROLINE CONTRERAS;

GUSTAVO RIVERA; CLAUDIA SMITH; MELINDA MENDOZA; MARGO TODD; CODY MCCOY; MIGUEL PULIDO; DAVID PENALOZA; PHILLIP BACERRA; VICENTE SARMIENTO; JUAN VILLEGAS; JOSE SOLORIO; SANTA ANA POLICE OFFICERS ASSOCIATION, INC; CITY OF FOUNTAIN VALLEY CALIFORNIA; KEVIN CHILDE; RICARDO CENDEJAS; SHERWIN BURGOS; PROVIDENCE HEALTH & SERVICES, INC; RODNEY F. HOCHMAN, M.D.; M.D. JAMES PIEROG; M.D. AMY COMPTON PHILLIPS; DOE DEFENDANTS 1-50

No. 21-2699

(Eastern District of Pa. Civil Action No. 2-20-cv-06112)

Before: CHAGARES, Chief Judge, McKEE, AMBRO, JORDAN, HARDIMAN, GREENAWAY, JR., SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, and NYGAARD,* Circuit Judges.

SUR PETITION FOR REHEARING

The petition for rehearing filed by appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular

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* Pursuant to Third Circuit I.O.P. 9.5.3, Judge Richard L. Nygaard's vote is limited to panel rehearing.

service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

/s/ Richard L. Nygaard
Circuit Judge

Dated: August 31, 2022

MEMORANDUM* OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT (MARCH 25, 2022)

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JONATHAN AMBROSE VANLOAN,

Plaintiff-Appellant,

v.

NATION OF ISLAM; ET AL.,

Defendants-Appellees.

No. 21-55317

D.C. No. 2:20-cv-00127-GW-MRW

Appeal from the United States District Court
for the Central District of California
George H. Wu, District Judge, Presiding

Submitted March 16, 2022**

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Before: TASHIMA, SILVERMAN,
and MILLER, Circuit Judges.

MEMORANDUM

Jonathan Ambrose VanLoan appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging federal and state law claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C. § 1915(e)(2). *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). We affirm.

The district court properly dismissed VanLoan's action because VanLoan's claims are too frivolous and unsubstantial to invoke subject matter jurisdiction. *See Hagans v. Lavine*, 415 U.S. 528, 536 (1974) ("Over the years this Court has repeatedly held that the federal courts are without power to entertain claims otherwise within their jurisdiction if they are so attenuated and unsubstantial as to be absolutely devoid of merit. . . ."); *Franklin v. Murphy*, 745 F.2d 1221, 1227 n.6 (9th Cir. 1984), *abrogated on other grounds by Nietzke v. Williams*, 490 U.S. 319 (1989) ("A paid complaint that is 'obviously frivolous' does not confer federal subject matter jurisdiction[.]").

AFFIRMED.

JUDGMENT OF THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA (MARCH 4, 2021)

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

JONATHAN VANLOAN,

Plaintiff,

v.

THE NATION OF ISLAM, ET AL.,

Defendants.

Case No. CV 20-127 GW (MRW)

Before: George H. WU, United States District Judge.

JUDGMENT

Pursuant to the Order Accepting Findings and Recommendations of the United States Magistrate Judge,

IT IS ADJUDGED that judgment be entered dismissing this action without leave to amend.

/s/ Hon. George H. Wu
United States District Judge

Date: March 4, 2021

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE (MAY 7, 2020)

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

JONATHAN VANLOAN,

Plaintiff,

v.

THE NATION OF ISLAM; ET AL.,

Defendants.

Case No. CV 20-127 GW (MRW)

Before: Michael R. WILNER,
United States Magistrate Judge.

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

This Report and Recommendation is submitted to the Honorable George H. Wu, United States District Judge, pursuant to 28 U.S.C. § 636 and General Order 05-07 of the United States District Court for the Central District of California.

SUMMARY OF RECOMMENDATION

1. This is a pro se civil action. Plaintiff's original and amended complaints are frivolous and do not state

plausible causes of action. Pursuant to 28 U.S.C. § 1915(e)(2), it is recommended that the complaints bed is missed without leave to amend.

ALLEGATIONS IN COMPLAINTS AND PROCEDURAL HISTORY

2. Plaintiff filed his original civil complaint in January 2020. (Docket #1.) The 47-page complaint named over 50 individual and entity defendants. They included the Nation of Islam, several local medical facilities and law enforcement agencies, and individual physicians, police officers, and government officials.

3. The gist of Plaintiff's complaint is his contention that he has been the victim of a long-running conspiracy of the Nation of Islam, the police, and hospital personnel to murder him. (Complaint at ¶ 44.) The circumstances extended to incidents and encounters at local grocery stores, a hostel, and a second hospital. (*Id.*, passim.) Plaintiff also alleges that he had interactions with the head of the Los Angeles (City) Police Commission regarding the conduct of other local police agencies. (*Id.* at 160.)

4. The complaint asserts violations of Plaintiff's civil rights under 42 U.S.C. § 1983. (*Id.* at 177 *et seq.*) Additionally, the complaint alleges numerous state common law claims such as assault, battery, and intentional infliction of emotional distress.

5. Plaintiff paid the initial filing fee in this Court. (Docket #1 (docket entry).) Because he did not seek *in forma pauperis* status and was not a prisoner suing a governmental party, the original complaint was not subject to mandatory pre-service screening under 28 U.S.C. § 1915A(a).

6. To date, it's not clear how many defendants have been served with process. However, two groups of defendants (parties associated with Providence Little Company of Mary Medical Center and Prospect Medical Group) filed motions to dismiss the action. (Docket # 70, 86, 98.) Those motions challenged the plausibility of Plaintiff's claims. They also provided information about a similar action that Plaintiff filed in the federal court in Arizona (discussed below).

7. Around the time of the first dismissal motion in March 2020, Plaintiff filed his First Amended Complaint. (Docket # 85.) A subsequent notice and red-lined version of the FAC explained that, while Plaintiff made nominal changes to the pleading, he continued to allege a vast conspiracy of black nationalists, local police, medical personnel, and others to murder him. (Docket # 97.)

8. Based on the sensational nature of Plaintiff's allegations and the substance of the defense's dismissal arguments, Magistrate Judge Wilner informed Plaintiff that the FAC would be subject to screening pursuant to 28 U.S.C. § 1915(e)(2). (Docket # 95.) That statute requires a court to dismiss a frivolous or defective case "at anytime."

OTHER CIVIL ACTIONS AND ADDITIONAL RELEVANT FACTS

9. The FAC alludes to numerous other murder attempts against Plaintiff in 2017, 2018, and 2019 involving the Nation of Islam and others. (FAC at ¶ 152, 155, 159.)

10. Plaintiff filed an action in federal district court in Arizona regarding an alleged incident in 2017. The

complaint named the Nation of Islam and many local Arizona businesses, officials, and individuals. The district court dismissed the action with prejudice as "implausible" and "obviously frivolous." *VanLoan v. Nation of Islam*, 2018 WL6332517 at* 1-2 (D. Ariz. 2018).

11. The Ninth Circuit Court of Appeals affirmed the dismissal of the Arizona case. The appellate court agreed that the district court" properly dismissed VanLoan's action because Van Loan's claims are too frivolous and unsubstantial" to lead to federal court jurisdiction. *VanLoan v. Nation of Islam*, 787 F.App'x 452, 453 (9th Cir. 2019).

12. Further, the Court takes notice of previous actions that Plaintiff brought—but failed to pursue—in this district. In 2017, Plaintiff sued the Nation of Islam, the Los Angeles Police Department, the Church of Scientology, and others for tort claims. *VanLoan v. Nation of Islam*, No. CV 17-6912RGK (ASx) (C.D. Cal.). Plaintiff failed to effect timely service of process or justify the need for more time to do so. The Court dismissed the action on that basis. (Docket # 14.)

13. In 2019, Plaintiff filed a similar case involving the Nation of Islam and numerous health care parties. *VanLoan v. Nation of Islam*, No.CV19-197GW (MRWx) (C.D. Cal.). The Court sent Plaintiff a notice regarding his inconsistent use of multiple mailing addresses. (Docket # 34.) Shortly after, Plaintiff then dismissed the action voluntarily without effecting service on the defense. (Docket # 35.)

14. In April 2020, Plaintiff allegedly faced yet another threat on his life. He sent an e-mail to numerous federal, state, and local officials regarding

this plot; the e-mail was attached as an exhibit to his notice regarding the redlined FAC in this action. (Docket # 97-3.)

15. Plaintiff signed the 2020 e-mail as a 1987 graduate of Notre Dame Law School. (Docket # 97-3 at 4.) A review of online databases revealed that Plaintiff formerly was an attorney licensed in Pennsylvania. He subsequently resigned from the state bar on consent during some sort of disciplinary or misconduct investigation. *Office of Disciplinary Counsel v. Jonathan A. VanLoan*, 544 Pa. 91 (1996) (citing state's Rule of Disciplinary Enforcement 215 ("Discipline on Consent")).

RELEVANT FEDERAL LAW

16. 28 U.S.C. § 1915(e)(2) allows a court to dismiss a case or claim at any time (even if the litigant paid the filing fee in full) if an action appears to be frivolous, malicious, or fails to state a claim upon which relief may be granted. *Franklin v. Murphy*, 745 F.2d 1221,1227 n.6 (9th Cir. 1984) ("A paid complaint that is 'obviously frivolous' does not confer federal subject matter jurisdiction."); *Tran v. CIA*, No. SA CV 13-1340 JLS (RNBx) (C.D. Cal. 2013) (same).

17. A complaint may be dismissed based on the lack of a cognizable legal theory or the absence of facts alleged under such a theory. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990); *O'Brien v. Hacker-Agnew*, 749 F.App'x 631 (9th Cir. 2019) (section 1915 dismissal). A complaint must contain enough facts to establish a "plausible" entitlement to relief that is more than merely speculative. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Hagans v. Lavine*, 415 U.S. 528, 536 (1974) (no federal court jurisdiction

for claim that is" so attenuated or unsubstantial as to be absolutely devoid of merit").

18. The Court construes the complaint of a *pro se* party liberally. *Barrett v. Belleque*, 544 F.3d 1060, 1062 (9th Cir. 2008). Additionally, the Court generally accepts Plaintiff's factual allegations as true and views all inferences in alight most favorable to Plaintiff. *Zimmerman v. City of Oakland*, 255 F.3d 734, 737 (9th Cir. 2001).

19. Nevertheless, a court may find a *pro se* litigant's pleading to be frivolous if "the facts alleged rise to the level of the irrational or the wholly incredible." *Denton v. Hernandez*, 504 U.S. 25, 26 (1992). The term "'frivolous,' when applied to a complaint, embraces not only the inarguable legal conclusion, but also the fanciful factual allegation." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). A federal court may "pierce the veil" of a complaint's allegations "to determine whether they are fanciful, fantastic, or delusional." *Denton*, 504 U.S. at 33 (quotations omitted).

20. Claims that are "lacking all credibility" are facially not plausible under *Iqbal*. *See, e.g., Mir v. City of Torrance*, No. CV 14-1191 RGK (PJW), 2017 WL 10562688 (C.D. Cal. 2017) (dismissing "Plaintiff's seemingly delusional claim that the Torrance Police Department is conspiring with the federal government to harass Plaintiff"); *Balik v. Upton*, 2015 WL 5834336 (E.D. Cal. 2015) (plaintiff's "fantastic ruminations" against congressman and related police misconduct" are fanciful, and lack an arguable basis in fact"); *Smith v. Shariat*, 2014 WL 2747496 (E.D. Cal. 2014) (racketeering and conspiracy claims were "so bizarre as to be entirely implausible"); *Cain v. Obama*, No. CV

14-5735 DMG (Ex), 2014 WL 3866062 (C.D. Cal. 2014) (collecting cases).

* * * *

21. A pro se litigant should ordinarily be given an opportunity to amend and re-file a civil complaint. *Lopez v. Smith*, 203 F.3d 1122 (9th Cir. 2000). However, a court is not required to allow leave to amend if the amendment: (1) prejudices the opposing party;(2) is sought in bad faith; (3) produces an undue delay in litigation; or (4) is futile. *Bowles v. Reade*, 198 F.3d 752, 758 (9th Cir. 1999); *Dixon v. O'Connor*, 542 F.App'x 561, 562 (9th Cir. 2013) (same).

22. The denial of leave to amend a complaint is reviewed on appeal for abuse of discretion. *Bowles*, 198 F.3d at 757; *Gordon v. City of Oakland*, 627 F.3d 1092,1094 (9th Cir. 2010).

ANALYSIS

23. Plaintiff's amended complaint should be dismissed without leave to amend. Plaintiff makes extraordinary allegations about a vast, multi-party, multi-year, and multi-state conspiracy to kill him. He contends that strangers—physicians, psychologists, police officers, passers by, and government officials—have joined forces with black nation a lists to murder him.

24. These claims are far too fanciful and bizarre to state a plausible legal claim. On their face, Plaintiff's assertions are patently frivolous. That warrants dismissal of the action under 28 U.S.C. § 1915(e)(2). *Neitzke*, 490 U.S. at 325; *Denton*, 504 U.S. at 33; *Smith*, 2014 WL 2747496; *Cain*, 2014 WL 3866062.

25. The Court should exercise its discretion to deny Plaintiff leave to amend the complaint further. The gravamen of his complaint is so preposterous that any factual re-pleading will obviously be futile. Moreover, the cost to local governments and health care entities in responding to these fanciful claims poses a real prejudice. Further, given Plaintiff's past litigation conduct (dismissal of parallel claims in Arizona, and abandonment of two similar cases in this district), the likelihood of delay and bad faith conduct is apparent.[1] *Bowles*, 198 F.3d at 758.

CONCLUSION

IT IS THEREFORE RECOMMENDED that the District Judge issue an order: (1) accepting the findings and recommendations in this Report; and (2) dismissing the complaint and amended complaint without leave to amend.

/s/ Hon. Michael R. Wilner
United States Magistrate Judge

Date: May 7, 2020

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[1] The fact that a disbarred graduate of a nationally-known law school brings these irrational claims diminishes any deference this Court should give to a *pro se* litigant under *Barrett*.

MEMORANDUM* OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT (DECEMBER 13, 2019)

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JONATHAN AMBROSE VANLOAN,

Plaintiff-Appellant,

v.

NATION OF ISLAM; ET AL.,

Defendants-Appellees.

No. 18-16813

D.C. No. 4:18-cv-00226-DTF

Appeal from the United States
District Court for the District of Arizona
Raner C. Collins, District Judge, Presiding

Submitted December 11, 2019**

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Before: WALLACE, CANBY, and TASHIMA, Circuit Judges.

MEMORANDUM

Jonathan Ambrose VanLoan appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging federal and state claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's dismissal for lack of subject matter jurisdiction. *Bishop Paiute Tribe v. Inyo Cty.*, 863 F.3d 1144, 1151 (9th Cir. 2017). We affirm.

The district court properly dismissed VanLoan's action because VanLoan's claims are too frivolous and unsubstantial to invoke subject matter jurisdiction. *See Hagans v. Lavine*, 415 U.S. 528, 536 (1974) ("Over the years this Court has repeatedly held that the federal courts are without power to entertain claims otherwise within their jurisdiction if they are so attenuated and unsubstantial as to be absolutely devoid of merit . . . ."); *Franklin v. Murphy*, 745 F.2d 1221, 1227 n.6 (9th Cir. 1984) ("A paid complaint that is 'obviously frivolous' does not confer federal subject matter jurisdiction[.]").

AFFIRMED.

ORDER OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA (AUGUST 17, 2018)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

JONATHAN AMBROSE VANLOAN,

Plaintiff,

v.

NATION OF ISLAM; ET AL.,

Defendants.

No. CV-18-00226-TUC-DTF

Before: Raner C. COLLINS,
Chief Unites States District Judge.

ORDER

Introduction

On April 30, 2018, Plaintiff Jonathan Ambrose VanLoan (Plaintiff) initiated this action asserting claims of assault, attempted murder, false imprisonment, intentional infliction of emotional distress, negligence, negligence per se, deprivation of civil rights under 42 U.S.C. § 1983, violation of his First Amendment rights under the United State Constitution to freedom of speech and religion, violation of his Fourth

Amendment right under the United States Constitution to be free from unreasonable seizure, the denial of liberty without due process in violation of the Fourteenth Amendment to the United States Constitution, failure to train and civil conspiracy. (Doc. 1.)

Plaintiff named as Defendants: the Nation of Islam, Louis Farrakhan, Tony Muhammad, Mikal Omar Rasul, the Church of Scientology International, David Miscavige, the Church of Scientology of Arizona, Diane Koel, Virginia Leason, Community Bridges Incorporated, Frank Scarpati, Deann Miller-Heyer, John F. Hogeboom, the City of Mesa, the Mesa Fire Department "Doe" Paramedics, the Mesa Fire and Medical Department, Banner Health Incorporated, Peter S. Fine, Marjorie Bessel, M.D., Himada Properties, LLC, Laurel Lee Pavlik, Jagdish M. Patel, Ramada Worldwide Incorporated, Wyndham Worldwide Incorporated, Stehen P. Holmes, Caryl Porter, the City of Tucson, the Tucson City Council, Regina Romero, Paul Cunningham, Shirley C. Scott, Karin Ulrich, Richard Finbres, Steve Kozachik, Two Hispanic Tucson Police Officer "Doe" Defendants, Jonathan Rothschild, Community Intervention Associates Incorporated, Dustin "Doe" Crisis Worker, Fred Cogburn, SMSJ Holdings, LLC, CHN Holdings, LLC, Tucson Hospital Holdings Incorporated, Tenet Healthcare Corporation, Dignity Health, Ascension Health Incorporated, Ronald A. Rittenmeye, Mark A. Benz, Juan Fresquez, Nancy Melcher, Vera Walker Daniel, Steven Pike, M.D., Adrienne P. Yarnish, M.D., Emergency Medicine Associates, St. Joseph's Hospital "Doe" Defendants 1-50, Christopher Magnus, Tucson Police Officer "Doe" Defendants 1-9, General Growth Properties Incorporated, Cara M. Christ, M.D., Islamic Center of Tucson,

Mir Rehmatullah, Hossein Hameed, Ismail K. Zahlan, Lynn C. Hourani, Taha Hasan, Abbas Khan, Mahmood Alabagi, Abdulla Alabagi, Tucson Police Department, Tucson Fire Chief, Tucson Fire Department and Emergency Medical Services, Tucson Fire Department Paramedic "Doe" Defendants 1-9, Nick "Doe", Killian "Doe", Chiba "Doe", Kulnecht "Doe", Mike "Doe", Sherman "Doe", Unnamed St. Joseph's Hospital "Doe" Defendants, and the Roman Catholic Church of the Diocese of Tucson. (Doc. 1.)

Sua Sponta Dismissal Under Fed. R. Civ. P. 12(b)(1) is Appropriate

The Court may question subject matter jurisdiction at any time *sua sponte*. *See O'Brien v. Dept. of Justice*, 827 F.Supp. 382, 384 (D. Ariz. 1995) (citing Fed. R. Civ. P. 12(h); *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274, 278, 97 S. Ct. 568, 571, 50 L.Ed.2d 471 (1977)). Under the substantiality doctrine, "federal courts are without power to entertain claims otherwise within their jurisdiction if they are 'so attenuated and unsubstantial as to be absolutely devoid of merit,' [are] 'wholly insubstantial,' [or are] 'obviously frivolous,' . . . " *O'Brien v. Dept. of Justice*, 827 F.Supp. 382, 384 (D. Ariz. 1995) (quoting *Hagan v. Lavine*, 415 U.S. 528, 537 94 S. Ct. 1372, 1379, 39 L.Ed.2d 577 (1974)); *see also, Bell v. Hood*, 327 U.S. 678, 682-83, 66 S. Ct. 773, 776, 90 L.Ed. 939 (1946); *Gilder v. PGA Tour, Inc.*, 936 F.2d 417 (9th Cir. 1991). In considering whether the Court has subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1), a district court "is not limited to the facts asserted in the complaint, nor is the court required to assume the truthfulness of the factual allegations within the complaint." *Ticktin v. C.I.A.*, 2009 WL

976517, at *2 (D. Ariz. 2009) (quoting *Taha v. C.I.A.*, 2007 WL 4287598, at *1 (D. Or. 2007) (citing *Americopters, LLC v. FAA*, 441 F.3d 729, 732 n.4 (9th Cir. 2006)). "The sole exception to th[e] rule [that allegations must be credited at the pleading stage applies to] allegations that are sufficiently fantastic to defy reality as we know it: claims about little green men, or the plaintiff's recent trip to Pluto, or experiences in time travel." *Ashcroft v. Iqbal*, 556 U.S. 662, 696, 129 S. Ct. 1937, 173 L.Ed.2d 868 (2009) (Souter, J., dissenting).

"The party asserting jurisdiction bears the burden of proving that that court has subject matter jurisdiction over his claims." *Ticktin*, 2009 WL 976517, at *2 (quoting *Taha*, 2007 WL 4287598, at *1) (citing *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377 114 S. Ct. 1673, 128 L.Ed.2d 391 (1994) ("It is to be presumed that a cause lies outside [the court's] limited jurisdiction, [] and the burden of establishing the contrary rests upon the party asserting jurisdiction.")) Plaintiff alleges federal jurisdiction on the basis of a federal question; namely, alleged violations of 42 U.S.C. § 1983 and violations of his rights under the First, Fourth and Fourteenth Amendments to the United States Constitution. (Doc. 1.) As explained below, the Court determines that Plaintiff's allegations are so implausible that he fails to state a federal claim.

Simply put, the Complaint in this case alleges an implausible conspiracy between the Nation of Islam, the Church of Scientology, the Roman Catholic Dioceses of Tucson, Tucson police officers, Tucson city council members, hospitals and hospital administrators, paramedics, hotel owners, hotel employees and others to murder him. Plaintiff alleges the reason for the conspiracy to murder him is because he used a racial

slur in December of 2013. This single act of using a racial slur so inflamed the Nation of Islam, Plaintiff contends, that they embarked on a nationwide quest to murder him.

Plaintiff alleges that individuals at St. Joseph's hospital and Banner Medical Center attempted to murder him by administering "Heart Enlargement" medicine designed to "explode" his heart. Plaintiff alleges that medical providers hearted up instruments in an oven in preparation to mutilate his body, counted down the minutes before they killed him, put things "in his head," and that the medical providers prepared paperwork for his death. (Doc. 1 at ¶¶ 129-34, 162, 168, 173, 175.) Plaintiff alleges that on one occasion while in the emergency room at St. Joseph's hospital there was an "Islamic man of Middle Eastern descent present who apparently was going to mutilate Plaintiff's body upon his death." *Id.* at ¶ 167. Plaintiff alleges a Middle Eastern Muslim cleric had "his own 'tent' set up next to Plaintiff's bed" and that the Muslim cleric entered his "tent" and began to go into a trance. *Id.* Thereafter, Plaintiff alleges "[t]here were strange electronic or radio emissions coming out of his 'tent.'" *Id.*

Plaintiff alleges that on one occasion after he was administered "Heart Enlargement" medication, he began "to pray to God . . . to neutralize the effects of the heart enlargement medicine[.]" *Id.* at ¶ 133. After a couple of hours, Plaintiff alleges he "slowly recovered from the 'lethal' dose of heart enlargement medicine." *Id.* at ¶ 134.

Plaintiff alleges the conspiracy to kill him also included the Nation of Islam planting a bomb inside a hotel room he stayed at one night in Tucson. The

bomb was allegedly disguised as a television cable box that was "making strange ticking noises, and softly playing a sinister sounding audible melody." *Id.* at ¶¶ 110-112. Plaintiff alleges the Nation of Islam "probably" set up the bomb the night before he stayed in the hotel room and used a female named "Melanie" to "lure him" to the hotel. *Id.* at ¶ 119.

The Court is satisfied that Plaintiff's Complaint presents precisely the insubstantial claims that a federal court lacks subject matter jurisdiction over. *See e.g., Carone-Ferinand v. Central Intelligence Agency*, 131 F.Supp.2d 232, 232-33 (D.D.C. 2001) (dismissing complaint alleging that defendants including C.I.A., United States Army, and Oliver North conspired to cover up plaintiff's father's involvement in government-sanctioned illegal activity); *Czmus v. United States*, 2010 WL 438090, at *1, 3 (D.R.I. 2010) (dismissing complaint alleging that agents of Department of Homeland Security "continually and relentlessly conduct[ed] baseless surveillance" to cause Plaintiff to question whether he was mentally ill); *Yacoub v. United States*, 2007 WL 2745386, at *1 (W.D. Wash. 2007) (dismissing complaint alleging that various defendants conspired to control plaintiff's mind using, inter alia, toxic chemicals, telepathy, color coding, and astral bodies); *De Oliveira Cordeiro v. Attorney General Loretta Lynch*, 2016 WL 6464476, at *3-4 (C.D. Cal. 2016) (dismissing as fantastical and delusional under Fed. R. Civ. P. 12(b)(1) complaint that alleged, *inter alia*, that after plaintiff wrote President Obama in 2013, the Obama family showed up at a gas station and President Obama informed plaintiff that he left "special agents" "in charge" and the "special agents" thereafter tortured plaintiff by using a computer that slowed

down her digestive tract and caused her to become obese, caused her to sustain a pulmonary embolism, deflated one of her lungs, opened her heart value, stopped and restarted her heart, and burnt her finger and chest areas).

The Court is confident that amendment of the Complaint would be futile. Accordingly, the Complaint will be dismissed with prejudice.

Conclusion

For the foregoing reasons,

IT IS HEREBY ORDERED that the Complaint (Doc. 1) is dismissed with prejudice and all pending motions (Docs. 11, 52, 62, 68, 73, and 80) are denied as moot.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to enter judgment and close this case.

Dated this 17th day of August, 2018.

/s/ Raner C. Collins
Chief Unites States District Judge

ORDER OF THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT DENYING PETITION FOR REHEARING EN BANC (MARCH 24, 2020)

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JONATHAN AMBROSE VANLOAN,

Plaintiff-Appellant,

v.

NATION OF ISLAM; ET AL.,

Defendants-Appellees.

No. 18-16813

D.C. No. 4:18-cv-00226-DTF
District of Arizona, Tucson

Before: WALLACE, CANBY, and TASHIMA, Circuit Judges.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 35.

VanLoan's petition for rehearing en banc (Docket Entry No. 79) is denied.

No further filing will be entertained in this closed case.

PHOTO OF ARM BRUISE FROM LETHAL DOSE OF HEART ENLARGEMENT MEDICATION