

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5052

September Term, 2022

1:23-cv-00415-UNA

Filed On: May 23, 2023

Dennis Sheldon Brewer, Individually and on
Behalf of All Others Similarly Situated,

Appellant

v.

Christopher A. Wray, Mr.; Director, Federal
Bureau of Investigation, et al.,

Appellees

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Wilkins and Katsas, Circuit Judges, and Sentelle, Senior Circuit
Judge

JUDGMENT

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing and the emergency motion for a hearing, it is

ORDERED that the emergency motion for a hearing be denied. Appellant has not shown he is entitled to the requested relief. It is

FURTHER ORDERED AND ADJUDGED that the district court's February 28, 2023 order be affirmed. The district court properly dismissed appellant's case as frivolous. See 28 U.S.C. § 1915(e)(2)(B)(i); Neitzke v. Williams, 490 U.S. 319, 325 (1989) ("[A] complaint . . . is frivolous where it lacks an arguable basis either in law or in fact.").

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5052

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5052

September Term, 2022

1:23-cv-00415-UNA

Filed On: May 9, 2023

Dennis Sheldon Brewer, Individually and on
Behalf of All Others Similarly Situated,

Appellant

v.

Christopher A. Wray, Mr.; Director, Federal
Bureau of Investigation, et al.,

Appellees

BEFORE: Wilkins and Katsas, Circuit Judges, and Sentelle, Senior Circuit
Judge

ORDER

The court concludes, on its own motion, that oral argument will not assist the court in this case. Accordingly, the court will dispose of the appeal without oral argument on the basis of the record and the presentation in appellant's brief. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j).

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Amanda Himes
Deputy Clerk

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DENNIS SHELDON BREWER,)
Plaintiff,)
v.) Civil Action No. 23-00415 (UNA)
CHRISTOPHER WRAY *et al.*,)
Defendants.)

ORDER

It is hereby

ORDERED that Plaintiff's application for leave to proceed *in forma pauperis*, ECF No. 2, is **GRANTED**, and the remaining motions, ECF Nos. 5, 6, are **DENIED**; it is further **ORDERED** that the voluminous complaint (1,534 pages sans exhibits) and this case are **DISMISSED** for the reasons stated in the Memorandum Opinion issued in *Brewer v. Wray*, No. 22-cv-996 (UNA), 2022 WL 1597610, *aff'd*, No. 22-5158, 2022 WL 4349776 (D.C. Cir. Sept. 20, 2022) (attached).¹

This is a final appealable Order.

/s/
RUDOLPH CONTRERAS
United States District Judge

Date: February 28, 2023

¹ Plaintiff is notified that his persistence with filing repetitive and frivolous cases, *see id.*; *Brewer v. Wray*, No. 1:22-cv-00116 (UNA), 2022 WL 226879, at *2 (D.D.C. Jan. 24, 2022); *Brewer v. Wray*, No. 21-cv-03218 (UNA), 2022 WL 160269, at *1 (D.D.C. Jan. 18, 2022); *Brewer v. Wray*, 22-cv-592 (UNA) (D.D.C. Apr. 7, 2022); *Brewer v. Wray*, 22-cv-365 (UNA) (D.D.C. Feb. 23, 2022); *Brewer v. Wray*, 21-cv-2954 (UNA) (D.D.C. Nov. 16, 2021); *Brewer v. Wray*, 21-cv-2671 (UNA) (D.D.C. Oct. 15, 2021), may result ultimately in an injunction preventing him from bringing future cases in forma pauperis (IFP). *See Hurt v. Soc. Sec. Admin.*, 544 F.3d 308, 310 (D.C. Cir. 2008) (approving the denial of IFP status “prospectively” when “the number, content, frequency, and disposition of a litigant’s filings show an especially abusive pattern”).

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DENNIS SHELDON BREWER,)	
)	
Plaintiff,)	
)	Civil Action No. 1:22-cv-00996 (UNA)
v.)	
)	
CHRISTOPHER WRAY, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION

This matter is before the Court on its initial review of plaintiff's *pro se* complaint ("Compl."), ECF No. 1, and application for leave to proceed *in forma pauperis*, ECF No. 3. The Court will grant the *in forma pauperis* application and dismiss the case pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), by which the Court is required to dismiss a case "at any time" if it determines that the action is frivolous. Plaintiff has filed a motion for temporary restraining order ("Mot."), ECF No. 2, which will be denied.

"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) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A complaint that lacks "an arguable basis either in law or in fact" is frivolous, *Neitzke v. Williams*, 490 U.S. 319, 325 (1989), and a "complaint plainly abusive of the judicial process is properly typed malicious," *Crisafi v. Holland*, 655 F.2d 1305, 1309 (D.C. Cir. 1981).

Plaintiff, a resident of Edgewater, New Jersey, sues several federal officials, the New York City Police Department and several of its officials, and additional John Does. *See* Compl. at 1–2, 10–11. Any claims against the Doe defendants cannot stand, however, because the Local Rules of

this Court state that “[t]hose filing *pro se in forma pauperis* must provide in the caption the name and full residence address or official address of each defendant.” D.C. LCvR 5.1(c).

The prolix complaint totals 372 pages, and due to the length of the pleading alone, neither the Court nor defendants can reasonably be expected to identify plaintiff’s claims, and defendants cannot be expected to prepare an answer or dispositive motion. Further, a complaint “shall [not] have appended thereto any document that is not essential to determination of the action.” D.C. LCvR 5.1(e).

Furthermore, the allegations are incomprehensible. For example, plaintiff contends that the “Complaint raises extremely critical issues of human autonomy crucial to the future of these United States and our ability to function as free and self-directed people.” Compl. at 5. He goes on to state that “in the opinion of the Plaintiff, the international deployment of this coercive technology, by the United States, has resulted in retaliatory attacks against State and CIA employees of the United States operating outside U.S. boundaries, causing the spectrum of symptoms known as the Havana Syndrome. On September 16, 2021, three days after the initial mailing of the first version of this case to the Court, the Secretary of Defense instructed all personnel to report any Havana Syndrome symptoms to the chain of command.” *Id.* at 8.

He further contends that defendants’ “technology causes emotional trauma, physical pain, manufactured body movements, thoughts, and verbalizations which can endanger the life, and are directly detrimental to, the subject’s human, constitutional, and civil rights[.]” *Id.* He believes that these “conspiratorial” actions, *see id.* at 23, occurred “[w]ithin and without the boundaries of the United States, including, without limitation, Canada, Mexico, the United Kingdom, and potentially including in the physical jurisdiction of France, Italy, Luxembourg, and Switzerland[,]” and that the “[t]he pattern of events date from approximately 1980[,]” *id.* at 7. He seeks myriad injunctive

and declaratory relief and monetary damages. *See id.* at 8. Plaintiff's motion for temporary restraining order is equally incredible. *See e.g.*, Mot. at 6 (discussing defendants' two alleged "notable recent efforts" to control plaintiff by use of "remote manipulation of brain and bodily functions," causing him to, respectively, choke on a piece of steak and to fall out of his chair, due to the government's "deadly manipulations.").

This Court cannot exercise subject matter jurisdiction over a frivolous complaint. *Hagans v. Levine*, 415 U.S. 528, 536-37 (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.' ") (quoting *Newburyport Water Co. v. Newburyport*, 193 U.S. 561, 579 (1904)); *Tooley v. Napolitano*, 586 F.3d 1006, 1010 (D.C. Cir. 2009) (examining cases dismissed "for patent insubstantiality," including where the plaintiff allegedly "was subjected to a campaign of surveillance and harassment deriving from uncertain origins."). Consequently, a court is obligated to dismiss a complaint as frivolous "when the facts alleged rise to the level of the irrational or the wholly incredible," *Denton v. Hernandez*, 504 U.S. 25, 33 (1992), or "postulat[e] events and circumstances of a wholly fanciful kind," *Crisafi*, 655 F.2d at 1307-08. The instant complaint satisfies this standard. In addition to failing to state a claim for relief or establish this Court's jurisdiction, the complaint is deemed frivolous on its face.

Therefore, this case is dismissed without prejudice, and the motion for temporary restraining order is denied. A separate order accompanies this memorandum opinion.


 TREVOR N. McFADDEN
 United States District Judge

Dated: May 16, 2022

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5052

September Term, 2022

1:23-cv-00415-UNA

Filed On: June 7, 2023

Dennis Sheldon Brewer, Individually and on
Behalf of All Others Similarly Situated,

Appellant

v.

Christopher A. Wray, Mr.; Director, Federal
Bureau of Investigation, et al.,

Appellees

BEFORE: Wilkins and Katsas, Circuit Judges, and Sentelle, Senior Circuit
Judge

ORDER

Upon consideration of the second amended petition for rehearing, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

In Re

DENNIS SHELDON BREWER,

)

)

Petitioner,

)

)

)

Miscellaneous Action No. 23-mc-14 (UNA)

)

ORDER

Petitioner, appearing *pro se*, wants the “Clerk of the Court to File Documents Not in Direct Conformance with Court Rules Due to Active Obstruction of Defendants’ Abusing Police Powers to Obstruct Justice.” The motion, to the extent intelligible, requests permission for Petitioner to file his official-capacity complaint against FBI Director Christopher Wray via a USB flash drive because the complaint consists of “approximately 20,000 [printed] pages.” Mot. ¶ 1.

A complaint of that length cannot plausibly satisfy the pleading standards of Federal Rule of Civil Procedure 8(a). Regardless, Petitioner claims that “Defendants have and do continue to abuse their police powers to block and obstruct the Lead Plaintiff in submitting this complex litigation to the District Court,” Mot. ¶ 2, which is belied by at least seven cases Petitioner filed against Wray but were dismissed as frivolous. *See Brewer v. Wray*, No. 22-cv-996 (UNA), 2022 WL 1597610, *aff’d*, No. 22-5158, 2022 WL 4349776 (D.C. Cir. Sept. 20, 2022); *Brewer v. Wray*, No. 1:22-cv-00116 (UNA), 2022 WL 226879, at *2 (D.D.C. Jan. 24, 2022); *Brewer v. Wray*, No. 21-cv-03218 (UNA), 2022 WL 160269, at *1 (D.D.C. Jan. 18, 2022); *see also Brewer v. Wray*, 22-cv-592 (UNA) (dismissed Apr. 7, 2022); *Brewer v. Wray*, 22-cv-365 (UNA) (dismissed Feb. 23, 2022); *Brewer v. Wray*, 21-cv-2954 (UNA) (dismissed Nov. 16, 2021); *Brewer v. Wray*, 21-cv-2671 (UNA) (dismissed Oct. 15, 2021).

Accordingly, it is

ORDERED that Petitioner's motion to file a nonconforming pleading, ECF No. 1, and his accompanying motion to proceed in forma pauperis, ECF No. 2, are **DENIED**, and this miscellaneous action is closed.¹

/s/

RUDOLPH CONTRERAS
United States District Judge

Date: February 13, 2023

¹ Petitioner may initiate a civil action by submitting a proper complaint in paper form with the Clerk of the Court, *see* LCVR 5.1, accompanied by either the \$402 filing fee applicable to civil actions, *see* 28 U.S.C. § 1914(a) and Misc. Fee Schedule ¶ 14, or a motion to proceed in forma pauperis.

**Additional material
from this filing is
available in the
Clerk's Office.**