

FILED: April 25, 2023

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1854
(1:21-cv-00680-LO-WEF)

JOSEPH D. GILBERTI, JR., P.E. an Individual and Licensed Professional Engineer

Plaintiff - Appellant

v.

THE PENTAGON; FEDERAL RESERVE BANK OF ATLANTA; FEDERAL BUREAU OF INVESTIGATION, (FBI); CENTRAL INTELLIGENCE AGENCY, (CIA); U.S. SUPREME COURT JUSTICES OF THE UNITED STATES OF AMERICA; U. S. SENATE; CENTERS FOR DISEASE CONTROL AND PREVENTION, (CDC); ANTHONY S. FAUCI, M.D.; WORLD HEALTH ORGANIZATION-PAN AMERICAN HEALTH ORGANIZATION, (WHO-PAHO); BILL GATES; TIME WARNER; FOX NEWS; CNN; WALT DISNEY; MSNBC NEWS; BOSTON POLICE DEPARTMENT; GAVIN NEWSOM, Governor of California; RON DESANTIS, Governor of Florida; KAY IVEY, Governor of Alabama; BRIAN KEMP, Governor of Georgia; GRETCHEN WHITMORE, Governor of Michigan; RICK SNYDER, Ex-Governor of Michigan; CHARLIE BAKER, Governor of Massachusetts; AMERICAN SOCIETY OF CIVIL ENGINEERS; NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, U.S.A. (NASA); U.S. DEPARTMENT OF INTERIOR; 72 PARTNERS, LLC; FLORDIA CONSERVATION GROUP, INC.; SARASOTA COUNTY COMMISSION

Defendants - Appellees

O R D E R

The petition for rehearing en banc was circulated to the full court. No judge requested a poll under Fed. R. App. P. 35. The court denies the petition for rehearing en banc.

For the Court

/s/ Patricia S. Connor, Clerk

UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 22-1854

JOSEPH D. GILBERTI, JR., P.E. an Individual and Licensed Professional Engineer,

Plaintiff - Appellant,

v.

THE PENTAGON; FEDERAL RESERVE BANK OF ATLANTA; FEDERAL BUREAU OF INVESTIGATION, (FBI); CENTRAL INTELLIGENCE AGENCY, (CIA); U.S. SUPREME COURT JUSTICES OF THE UNITED STATES OF AMERICA; U. S. SENATE; CENTERS FOR DISEASE CONTROL AND PREVENTION, (CDC); ANTHONY S. FAUCI, M.D.; WORLD HEALTH ORGANIZATION-PAN AMERICAN HEALTH ORGANIZATION, (WHO-PAHO); BILL GATES; TIME WARNER; FOX NEWS; CNN; WALT DISNEY; MSNBC NEWS; BOSTON POLICE DEPARTMENT; GAVIN NEWSOM, Governor of California; RON DESANTIS, Governor of Florida; KAY IVEY, Governor of Alabama; BRIAN KEMP, Governor of Georgia; GRETCHEN WHITMORE, Governor of Michigan; RICK SNYDER, Ex-Governor of Michigan; CHARLIE BAKER, Governor of Massachusetts; AMERICAN SOCIETY OF CIVIL ENGINEERS; NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, U.S.A. (NASA); U.S. DEPARTMENT OF INTERIOR; 72 PARTNERS, LLC; FLORDIA CONSERVATION GROUP, INC.; SARASOTA COUNTY COMMISSION,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Liam O'Grady, Senior District Judge. (1:21-cv-00680-LO-WEF)

Submitted: February 21, 2023

Decided: February 23, 2023

Before NIEMEYER and DIAZ, Circuit Judges, and MOTZ, Senior Circuit Judge.

Affirmed as modified by unpublished per curiam opinion.

Joseph D. Gilberti, Jr., Appellant Pro Se. Dennis Carl Barghaan, Jr., Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joseph D. Gilberti, Jr., appeals the district court's order dismissing his complaint asserting claims against various entities and federal agencies. We have reviewed the record and find that the district court correctly concluded it was without subject matter jurisdiction to hear Gilberti's claims. Accordingly, we affirm the district court's order, *Gilberti v. The Pentagon*, No. 1:21-cv-00680-LO-WEF (E.D. Va. July 14, 2022), but modify the order to reflect that the dismissal is without prejudice. *See S. Walk at Broadlands Homeowner's Ass'n, Inc. v. OpenBand at Broadlands, LLC*, 713 F.3d 175, 185 (4th Cir. 2013) ("A dismissal for lack of . . . subject matter jurisdiction . . . must be one without prejudice, because a court that lacks jurisdiction has no power to adjudicate and dispose of a claim on the merits."). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED AS MODIFIED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

JOSEPH D. GILBERTI, JR.,

v.

THE PENTAGON, ET AL.,

Defendants.

Civil Action No. 1:21-cv-00680
Hon. Liam O'Grady

ORDER

Before the Court is Defendants' Motion to Dismiss. Dkt. 12. For the reasons that follow, the Motion is **GRANTED**.

I. BACKGROUND

Plaintiff Joseph Gilberti, *pro se*, has filed a complaint against 31 defendants, both private and public officials and entities, including: (1) the Governors of California, Florida, Alabama, Michigan, and Massachusetts; (2) news organizations, such as Time Warner, Fox News, CNN, and MSNBC; (3) Bill Gates; and (4) Walt Disney. With respect to the federal sector, the complaint names the following as party defendants: (1) the Pentagon; (2) the Federal Bureau of Investigation ("FBI"); (3) the Central Intelligence Agency ("CIA"); (4) the Federal Reserve Bank of Atlanta; (5) the National Institutes of Health; (6) Dr. Anthony Fauci, construed to be in his official capacity; (7) the Centers for Disease Control and Prevention; (8) the National Aeronautics and Space Administration ("NASA"); and (9) the Justices of the United States Supreme Court.

At the core of Plaintiff's complaint, Plaintiff, who refers to himself as "the Engineer," maintains that he has discovered a source of "unique drinking water . . . 2000 feet below" his own Florida property, which will ostensibly cure cancer and other diseases, and that he wishes to pump via pipeline to "over 10 million taps from Tampa to Miami." Dkt. 1 and 3-10. Plaintiff generally alleges that the defendants "are working in a Racketeering Enterprise with leaders, agencies, and land developers" to "destroy [that] water supply" on his property and thus ensure that Americans suffer "with higher rates of cancers, viruses, and disease." *Id.* at 3-5. Plaintiff purports to assert claims under RICO, the Fourth Amendment, state common law civil conspiracy, and undetailed claims of "civil rights violations" and "fraud on the courts."

Plaintiff does not describe the alleged conduct of most of the federal entities and officials that his complaint names as defendants; indeed, the complaint is silent with respect to the FBI, CIA, and Dr. Fauci. The complaint maintains that Congress and NASA have "known" about the spring water under plaintiff's Florida property and hidden the same from the American people, *id.* at 7, 17, 39, and that the CDC has "faked a coronavirus pandemic with the Federal Reserve," in order to hide the spring water from others so that the "rich [can] kill the poor and middle class," *id.* at 10.

Notably, Plaintiff has litigated numerous lawsuits in other federal courts alleging a similar set of facts. These courts include the U.S. District Court for the Middle District of Florida, the U.S. District Court for the Central District of California, and the U.S. District Court for the District of Columbia. *See e.g., Gilberti v. Federal Reserve Sys. et al.*, 2019 WL 1901293 (D.D.C. April 29, 2019); *see also* Dkt. 13 at 4.

II. LEGAL STANDARD

In the Motion to Dismiss now pending before this Court, Defendants move to dismiss on three grounds: first, for insufficient service of process under Fed. R. Civ. P. 12(b)(5); second, for lack of subject matter jurisdiction under Fed. R. Civ. P. 12(b)(1); and, third, for failure to state a claim under Fed. R. Civ. P. 12(b)(6). *See* Dkt. 13 at 5-12.

A. Insufficient Service of Process Under 12(b)(5)

Under Fed. R. Civ. P. 12(b)(5), Defendants may move to dismiss a complaint for insufficient service of process. Rule 12(b)(5) motions challenge the mode of delivery or the lack of delivery of the summons and complaint. *See Amazon Web Servs., Inc. v. Global Equity Mgmt., S.A.*, 2017 WL 4052381, at *3, n.9 (E.D. Va. Sept. 13, 2017).

B. Lack of Subject Matter Jurisdiction Under 12(b)(1)

Under Fed. R. Civ. P 12(b)(1), Defendants may move to dismiss for lack of subject matter jurisdiction. Federal courts are courts of limited jurisdiction, possessing “only that power authorized by Constitution and statute.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). A federal judge may act *sua sponte* to dismiss claims pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction, *see Hurt v. U.S. Ct. of Appeals for the D.C. Cir.*, 264 F. App'x. 1, 1 (D.C. Cir. 2008), including claims so “patently insubstantial” that no federal question suitable for decision can be discerned. *Best v. Kelly*, 39 F.3d 328, 330 (D.C. Cir. 1994). “Patently insubstantial” claims are those that are “essentially fictitious” and “absolutely devoid of merit,” including “bizarre conspiracy theories[.]” *Id.* at 330–31 (quotation marks omitted).

C. Failure to State a Claim Under 12(b)(6)

Under Fed. R. Civ. P 12(b)(6), Defendants may move to dismiss for failure to state a claim. A Rule 12(b)(6) motion tests the sufficiency of a complaint. *Brockington v. Boykins*, 637 F.3d 503, 506 (4th Cir. 2011). “[T]he reviewing court must determine whether the complaint alleges sufficient facts ‘to raise a right to relief above the speculative level[,]’” and “state[s] a claim that is plausible on its face.”” *Goldfarb v. Mayor & City Council of Baltimore*, 791 F.3d 500, 508 (4th Cir. 2015) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)). A claim is facially plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft*, 556 U.S. at 678 (citing *Twombly*, 550 U.S. at 556).

Still, “[c]onclusory allegations regarding the legal effect of the facts alleged” need not be accepted. *Labram v. Havel*, 43 F.3d 918, 921 (4th Cir. 1995); *see also E. Shore Mts., Inc. v. J.D. Assoc. Ltd. P'ship*, 213 F.3d 175, 180 (4th Cir. 2000) (“[W]hile we must take the facts in the light most favorable to the plaintiff, we need not accept the legal conclusions drawn from the facts . . . Similarly, we need not accept as true unwarranted inferences, unreasonable conclusions, or arguments.”).

Mindful that Plaintiff is proceeding *pro se*, this Court liberally construes his filings. *Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014)). That a *pro se* complaint should be liberally construed neither excuses a *pro se* plaintiff of his obligation to “clear the modest hurdle of stating a plausible claim” nor transforms the court into his advocate. *Green v. Sessions*, No. 1:17-cv-01365, 2018 WL 2025299, at *8 (E.D. Va. May 1, 2018), *aff'd*, 744 F. App'x 802 (4th Cir. 2018).

III. DISCUSSION

A. Plaintiff's Service of Process was Insufficient.

Defendants first move to dismiss Plaintiff's complaint for insufficient service of process under Fed. R. Civ. P. 12(b)(5). In order to effectuate proper service on either a federal agency or a federal official, the Federal Rules require "a party [to] serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or, employee." Fed. R. Civ. P. 4(i)(2). To serve the United States, a party must (1) "deliver a copy of the summons and of the complaint to the United States Attorney for the district where the action is brought" or "send a copy of each by registered or certified mail to the civil process clerk at the United States attorney's office"; and (2) "send a copy of each by registered or certified mail to the Attorney General of the United States." Fed. R. Civ. 4(i)(1)(A)-(B). Defendants note that, while Plaintiff transmitted a copy of his complaint to the Office of the United States Attorney for the Eastern District of Virginia by certified mail, Plaintiff failed to transmit a copy of the summons issued by the Clerk of this Court to the Office of the United States. Defendants argue that, as a result, the service of process was insufficient.

The Court agrees that service of process was insufficient under the Federal Rules, and therefore that dismissal under Fed. R. Civ. P. 12(b)(5) is proper. Nevertheless, the Court will proceed to analysis under Fed. R. Civ. P. 12(b)(1) and 12(b)(6).

B. The Court Lacks Subject Matter Jurisdiction.

Defendants next move to dismiss Plaintiff's complaint for lack of subject matter jurisdiction under Fed. R. Civ. P. 12(b)(1). As stated above, where a complaint is so "patently insubstantial" that no federal question suitable for decision can be discerned, a federal judge may dismiss for lack of subject matter jurisdiction under Fed. R. Civ. P. 12(b)(1). *See Best*, 39 F.3d at

330 (D.C. Cir. 1994). “Patently insubstantial” claims are those that are “essentially fictitious” and “absolutely devoid of merit,” including “bizarre conspiracy theories[.]” *Id.* at 330–31 (internal citations omitted).

Plaintiff’s complaint in this case falls squarely within this description. Plaintiff asserts that there is “unique drinking water” below his own Florida property, which will ostensibly cure cancer and other diseases. Dkt. 1 at 3-10. He also alleges generally that the defendants “are working in a Racketeering Enterprise with leaders, agencies, and land developers” to “destroy [that] water supply” on his property and thus ensure that Americans suffer “with higher rates of cancers, viruses, and disease.” *Id.* at 3-5. Plaintiff does not point to any evidence to support this claim; indeed, he does not even describe the alleged conduct of most of the defendants.

Notably, Plaintiff filed a similar complaint in the United States District Court for the District of Columbia, alleging a similar set of facts against multiple defendants, both private and public officials and entities. The Judge in that case, Ketanji Brown Jackson, held the following:

[G]iven the nature of the claims alleged, Gilberti has failed to meet his burden to establish that this Court has subject matter jurisdiction, even under the ‘less stringent standards’ to which federal courts hold pro se litigants. The allegations that Gilberti makes—e.g., that Defendants have engaged in a decades long conspiracy to hide an endless supply of underground drinking water for their own monetary benefit... are clearly of the type that courts routinely dismiss as patently insubstantial under Fed. R. Civ. P. 12(b)(1)... Thus, this Court will dismiss the instant petition for this same reason.

See Gilberti, 2019 WL 1901293 at *2 (D.D.C. April 29, 2019) (internal citations omitted). The United States Court of Appeals for the District of Columbia Circuit affirmed, holding that “the merits of the parties’ positions are so clear as to warrant summary action... The district court correctly dismissed appellant’s complaint because it alleged no plausible facts that would entitle him to relief.” *See Gilberti v. Fed. Rsrv. Sys.*, 2020 WL 1487738, at *1 (D.C. Cir. Mar. 3,

2020), *cert. denied sub nom. Gilberti v. Fed. Rsrv. Sys., Bd. of Governors*, 141 S. Ct. 876, 208 L. Ed. 2d 439 (2020).

Plaintiff's complaint in this case, based on a similar set of allegations, may similarly be characterized as "absolutely devoid of merit" and containing "bizarre conspiracy theories," *see Best*, 39 F.3d at 330 (D.C. Cir. 1994). As such, this Court finds that dismissal under Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction is proper.

C. Plaintiff Fails to State a Claim Upon Which Relief Can Be Granted.

Third and finally, Defendants move to dismiss for failure to state a claim under Fed. R. Civ. P. 12(b)(6). To survive dismissal under this Rule, Plaintiff must "state a claim that is plausible on its face." *Goldfarb*, 791 F.3d at 508 (4th Cir. 2015) (quoting *Twombly*, 550 U.S. at 570 (2007)). A claim is facially plausible "when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft*, 556 U.S. at 678 (citing *Twombly*, 550 U.S. at 556).

Here, Plaintiff fails to state a claim that is plausible on its face. Given the conspiratorial nature of the complaint, and the fact that Plaintiff does not point to any evidence to support his claims – indeed, he does not even describe the alleged conduct of most of the defendants – he fails to state a claim that is plausible on its face. The Court cannot draw the reasonable inference that the Defendants in this case are liable for the conduct that Plaintiff alleges. *See Ashcroft*, 556 U.S. at 678. Therefore, the Court finds that dismissal under Fed. R. Civ. P. 12(b)(6) is appropriate.

IV. CONCLUSION

For the foregoing reasons, the Court finds that dismissal is appropriate for insufficient service of process under Fed. R. Civ. P. 12(b)(5); for lack of subject matter jurisdiction under Fed. R. Civ. P. 12(b)(1); and for failure to state a claim under Fed. R. Civ. P. 12(b)(6).

Therefore, Defendants' Motion to Dismiss, Dkt. 12, is **GRANTED**. Plaintiff's two motions for hearings, Dkt. 11, Dkt. 18, are **DENIED**, as the Court finds that such hearings would not aid in the decisional process. The matter is concluded.

It is **SO ORDERED**.

July 14, 2022
Alexandria, Virginia

LOO
Liam O'Grady
United States District Judge

APPENDIX I

JAN 18 2022

CLERK, U. S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

US District Court of Eastern Virginia

Arlington, Virginia

Joseph Gilberti, P.E.

Plaintiff,

CASE NO: 21-cv-680

vs

The PENTAGON, et al.

Defendants.

Rule 55 - Plaintiff's Certified Affidavit
of Infrastructure Cost per Default by
Federal Reserve Bank of Atlanta and Defendants
for 300 mile Transmission, High Speed Rail,
and within Municipalities from Tampa to Miami
down I-75, with per Biden Ex Order 13390
Protecting Public Health via EPA/FDEP Florida

Comes Now, Plaintiff, Joseph Gilberti, P.E., a professional
licensed Engineer in Florida, PE #56079, pursuant to
Rule 55, submits Affidavit of Cost, for "Closer to
the Heart" 300 mile "Blue Gold" Transmission, to eliminate/lower
lead, copper and over 368 EPA contaminants to over
10 million TPS, from secret EPA Hidden and Straits
Hidden underground River; hereby submits cost, items
and letter from Apps Agieter Maintenance Expert to
Court as follows: (1) (over)

Notes for Cost/Infrastructure/Blue Gold access

(1) The below multi-page breakdown is support cost for A Recomending order from the Court for Congress to Approved "Close to the Heart", "Blue Gold" - Alkaline Spring Water Transmission Presented to Miami-Dade, 7-15-2014, Broward County on 4-16-2016; Permitted At FDOT District 1,3,4,5, \$6 over past 5yes with FDEP Phase 1 Permits ready in Sarasota-Desoto-Charlotte Counties. All subject to final Permit issuance, final bidding and more.

(2) Once Order to send US Military, Biden, DeSantis and Media to secure site and detain Tampa to Miami Police involved in hedding or playing games with Healthcare to 10 million Taps, and Media too; Casting of Steel Pipe should be expedited and Delivered for Phase 1, and the arrest of SWFWMD, FDEP and Politicians; Select Judges, Lawyers and 72 Partners, LLC is required to end the constant Ex Parte and Terrorism/Eugenics operations in Florida.

(3) It takes 2 hours to Verify underground Riser (BlueGold) w/Amys Aquifer Maintenance and ACOE with both Biden and DeSantis, US Marines, and the Secretary of Defense. (See Letter attached) by Amys Aquifer
(2) (ouca) expects

Plaintiffs Certified Affidavitand Cost Breakdown by Proj. Eng., were
in Florida - December 25, 2021
(Estimate over 10 yrs)

Item	Rate	Est Cost (\$)
1. 300 mile Transmission (2-96" Steel Pipe)	\$20 mil/Mile	\$6 Billion
2. High Speed Rail (w/Electric)	\$30 mil/mile	\$10 Billion
*3. Inner City Improvements Tampa to South Fla (15 counties + 60 cities)	1 LS	\$500 Billion
*4. Port Everglades, Port of Tampa, Miami, PBC and Manatee (Expand) (Trade/Food/Cruises) w/ Blue Gold/Meds	1 LS	\$200 Billion
5. Satellite - Space Force Security Systems/Fence Monitoring onsite	1 LS	\$100 Billion

(3) (over)

A

Cost Affidavit (cont.)
 (Dec 25th, 2020)

Item	Rate	Est Cost
6. Ex. Bridge Improvements	1 LS	\$10 Billion
7. New Bridges w/ Interchange Ramp, ect.	20 @ \$200 mil/ea	\$4 Billion
8. Geotechnical Work (exploration + Install)	1 LS	\$10 Billion
9. Aquifer Well fields (w/wells + Pumps/filters)	1 LS	\$300 million
10. Road Widening / Revov. (Lane adjustments / Ponds)	\$30 mil/mile	\$10 Billion
11. MOT / False Work / BMP	1 LS	\$10 Billion
12. Land Acquisitions / RW Widening / Title	1 LS	\$100 million
13. Pump Stations along I-75 R/rv w/EMS, Hurricane EVAC Areas, Utilities	1 LS	\$1 Billion

(4) (over)

K

Cost Affidavit (cont.)

(Dec 25th, 2020)

Item	Rate	Est. Cost
14. Dewatering / Ponds	1 LS	\$ 100 million
15. Home Services (10 million Homes)	\$ 5,000/ea	\$ 50 Billion
16. WTP Conversions to Filtration Plants (w/Design)	\$ 50M/l/ea (approx 100 plants)	\$ 500 million
17. New Filtration Plants (w/Design)	\$ 100 mil/ea (approx 20 Plants)	\$ 200 million
18. New Power Plants (w/Reservoirs/Transmission)	\$ 1 Billion/ea (approx 1-3)	\$ 3 Billion
19. Cost of Money (10 - 12 yrs)	± 5%	\$ 50 Billion
SubTotal Cost (Pages 3,4,5)	1 LS	\$ 952,200,000,000.00
	(5) (over)	16

Cost Affidavit (cont.)

(Dec 25th 2020)

"Engineer's Cost Certification with 20% Contingencies"

- SubTotal Estimated Cost over 8-12 years for "Close to the Metal"

Improvements $\approx \$972,200,000,000$

Contingencies @ 20% $\approx \$20,000,000,000$

* Total Estimated Cost $\approx \$972,200,000,000$ US Dollars

I hereby Certify that the above Infrastructure Cost is to the best of my knowledge and belief, subject to permitting, cost of fuel, bidding and inflation. All cost can be paid back by Global medicine on Stock Market with US Military help and President Biden and Governor DeSantis. Immediate Exposure of Hidden Resource w/ Media, Universities and THE PEOPLE of America! God Bless America and this God given Resource/Knowledge!

Date: December 25th, 2020

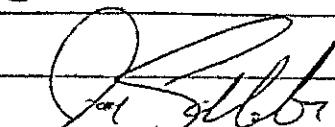
Business Phone/Agent

513-470-6060

385 Danica Blvd

Fort Myers Beach, FL 33931

(6)


Joseph Gilberti

Joseph Gilberti, P.E.

P.E#56079

Orient Road Jail, #2021-23799
1201 Orient Rd

Tampa, FL 33619

FILED: April 25, 2023

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1854
(1:21-cv-00680-LO-WEF)

JOSEPH D. GILBERTI, JR., P.E. an Individual and Licensed Professional Engineer

Plaintiff - Appellant

v.

THE PENTAGON; FEDERAL RESERVE BANK OF ATLANTA; FEDERAL BUREAU OF INVESTIGATION, (FBI); CENTRAL INTELLIGENCE AGENCY, (CIA); U.S. SUPREME COURT JUSTICES OF THE UNITED STATES OF AMERICA; U. S. SENATE; CENTERS FOR DISEASE CONTROL AND PREVENTION, (CDC); ANTHONY S. FAUCI, M.D.; WORLD HEALTH ORGANIZATION-PAN AMERICAN HEALTH ORGANIZATION, (WHO-PAHO); BILL GATES; TIME WARNER; FOX NEWS; CNN; WALT DISNEY; MSNBC NEWS; BOSTON POLICE DEPARTMENT; GAVIN NEWSOM, Governor of California; RON DESANTIS, Governor of Florida; KAY IVEY, Governor of Alabama; BRIAN KEMP, Governor of Georgia; GRETCHEN WHITMORE, Governor of Michigan; RICK SNYDER, Ex-Governor of Michigan; CHARLIE BAKER, Governor of Massachusetts; AMERICAN SOCIETY OF CIVIL ENGINEERS; NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, U.S.A. (NASA); U.S. DEPARTMENT OF INTERIOR; 72 PARTNERS, LLC; FLORDIA CONSERVATION GROUP, INC.; SARASOTA COUNTY COMMISSION

Defendants - Appellees

ORDER

The petition for rehearing en banc was circulated to the full court. No judge requested a poll under Fed. R. App. P. 35. The court denies the petition for rehearing en banc.

For the Court

/s/ Patricia S. Connor, Clerk

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

JOSEPH D. GILBERTI, JR.)
Plaintiff,)
v.) Civil Action No. 1:21-cv-680 (LO/TCB)
THE PENTAGON, *et al.*,)
Defendants.)

)

ORDER

This matter comes before the Court on *pro se* Plaintiff Joseph D. Gilberti, Jr.'s ("Plaintiff") Application to Clerk for Entry of Default and Entry of Default Judgment (Dkt. 7) and Federal Defendants' Memorandum of Law in Opposition to Plaintiff's Motion for Entry of Default and Default Judgment (Dkt. 8). Plaintiff has not served the Defendants and has stated no cognizable claim for relief; therefore, it is hereby

ORDERED that Plaintiff's Motion (Dkt. 7) is **DENIED**.

ENTERED this 24th day of January, 2022.


/s/
Theresa Carroll Buchanan
THERESA CARROLL BUCHANAN
UNITED STATES MAGISTRATE JUDGE

Alexandria, Virginia

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

ALEXANDRIA DIVISION

Joseph D. Gilberti, Jr.

Plaintiff

versus

The Pentagon, et al

Defendants

1:21cv680-LO-TCB

ORDER

No service having been effected upon the defendants within 90 days of the filing of the complaint, it is hereby

ORDERED that within 20 days the plaintiff show cause, if any he can, why the action should not be dismissed pursuant to F.R.Civ.P. 4(m).


Liam O'Grady
United States District Judge

Alexandria, Virginia
September 7, 2021

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