

APPENDIX

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APPENDIX A

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

No. 24-2030

(1:24-cv-00894-PTG-WBP)

DORA L. ADKINS,

Plaintiff-Appellant

v.

JP MORGAN CHASE BANK, N.A.,

Defendant-Appellee

Filed: January 14, 2025

MANDATE

The judgment of this court, entered December 23, 2024, takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

/s/ Nwamaka Anowi, Clerk

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UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-2030

(1:24-cv-00894-PTG-WBP)

DORA L. ADKINS,

Plaintiff-Appellant

v.

JP MORGAN CHASE BANK, N.A.,

Defendant-Appellee

Filed: December 23, 2024

JUDGMENT

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ Nwamaka Anowi, Clerk

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UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-2030

DORA L. ADKINS,

Plaintiff-Appellant,

v.

JP MORGAN CHASE BANK, N.A.,

Defendant-Appellee.

Appeal from the United States District Court for the
Eastern District of Virginia, at Alexandria.
Patricia Tolliver Giles, District Judge.
(1:24-cv-00894-PTG-WBP)

Submitted: December 19, 2024

Decided: December 23, 2024

Before KING and BERNER, Circuit Judges, and
TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Dora L. Adkins, Appellant Pro Se.

Unpublished opinions are not binding precedent in
this circuit.

PER CURIAM:

Dora L. Adkins appeals the district court's order denying her motions for leave to file a proposed emergency complaint and a proposed amended emergency complaint, denying her application to proceed in forma pauperis, and closing the case pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), which requires a district court to dismiss those civil actions filed in forma pauperis that fail to state a claim on which relief may be granted. The dismissal of a claim for failure to state a claim on which relief may be granted is reviewed de novo. *Slade v. Hampton Rds. Reg? Jail*, 407 F.3d 243, 248 (4th Cir. 2005). Although a pro se litigant's pleadings are to be construed liberally, *Erickson v. Pardus*, 551 U.S. 89, 94 (2007), her 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)). Those [f]actual allegations must be enough to raise a right to relief above the speculative level." *Twombly*, 550 U.S. at 555; see *Francis v. Giacomelli*, 588 F.3d 186, 193 (4th Cir. 2009) (noting that "plausibility standard requires a plaintiff to demonstrate more than a sheer possibility that a defendant has acted unlawfully" (internal quotation marks omitted)).

Adkins' proposed complaints fail to state plausible claims under Virginia law against Defendant for intentional infliction of emotional distress. See *Viers v. Baker*, 841 S.E.2d 857, 863 (Va. 2020); *Jordan v. Shands*, 500 S.E.2d 215, 218-19 (Va. 1998). Accordingly, we deny Adkins' motions to expedite review and seal decision and affirm the district court's order. *Adkins v. JP Morgan Chase Bank, N.A.*,

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No. 1:24-cv-00894-PTG-WBP (E.D. Va. Oct. 10, 2024).
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

APPENDIX B

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

1:24-cv-894 (PTG/WBP)

DORA L. ADKINS,

Plaintiff,

v.

JPMORGAN CHASE BANK, NA.,

Defendant.

ORDER

Plaintiff Dora L. Adkins ("Plaintiff"), proceeding *pro se*, is requesting a "Motion for Leave from the Court to File a Proposed Amended Emergency Complaint" against JPMorgan Chase Bank, N.A. ("Defendant"). Plaintiff brings a claim for intentional infliction of emotional distress under Virginia law and seeks punitive damages totaling \$740 million.¹ Dkt. 3 at 2.

Plaintiff's Motion for Leave to File a Proposed Amended Emergency Complaint is accompanied by

¹ Plaintiff alleges that the Court has subject matter jurisdiction under 28 U.S.C. § 1332(a)(1), because the parties are citizens of different states and the amount in controversy exceeds \$75,000. Dkt. 3 at 1-2. Plaintiff at one point alleges the amount in controversy is \$340 million, and at another alleges the amount in controversy is \$350,000. *Id.* at 2. Using either measure, Plaintiff has alleged the minimum to establish subject matter jurisdiction under 28 U.S.C. § 1332(a)(1).

an Application to Proceed in District Court Without Prepaying Fees or Costs. Dkt. 2. Given that Plaintiff has sought to proceed *in forma pauperis*, the Court will screen the Complaint pursuant to 28 U.S.C. § 1915(e)(2)(B), which provides that the Court “shall dismiss” an action filed *in forma pauperis* “at any time if the court determines that” the action “fails to state a claim on which relief may be granted,” among other things. “In evaluating a case under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim, a court may appropriately look to cases decided under Federal Rule of Civil Procedure 12(b)(6) for guidance.” *Gray v. Brent*, 2014 WL 1327011, at *2 (E.D.N.C. Apr. 2, 2014) (citing *De'Lonta v. Angelone*, 330 F.3d 630, 633 (4th Cir. 2003) (“The standards for reviewing a dismissal under § 1915(e)(2)(B)(ii) are the same as those for reviewing a dismissal under Federal Rule of Civil Procedure 12(b)(6).”)).

Under Virginia law, “[t]o adequately plead a claim for intentional infliction of emotional distress,” Plaintiff must assert that “1) the wrongdoer’s conduct was intentional or reckless; 2) the conduct was outrageous or intolerable; 3) there was a causal connection between the wrongdoer’s conduct and the resulting emotional distress; and 4) the resulting emotional distress was severe.” *Viers v. Baker*, 841 S.E.2d 857, 863 (Va. 2020) (quoting *Almy v. Grisham*, 639 S.E.2d 182, 186 (Va. 2007)). As to the second element, “the behavior alleged must be ‘so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.’ *Id.* (quoting *Almy*, 639 S.E.2d at 187).”

Plaintiff alleges injuries related to Defendant's inability to obtain Plaintiff's credit report and credit score in an attempt to approve Plaintiff for a Marriot Bonvoy credit card. Dkt. 3 ¶ 27. Plaintiff alleges that Defendant did not have "competent employees" who could help Plaintiff with the credit card application process. *Id.* ¶ 30. Plaintiff repeatedly alleges that Defendant's employees are unprofessional and unable to assist Plaintiff. *See id.* ¶¶ 54, 56, 60-62, 73, 79. Plaintiff also alleges that Defendant committed fraud by attempting to access Plaintiff's credit report and credit score without her consent. *Id.* ¶ 32. Plaintiff seems to allege that on February 22, 2024, Plaintiff called TransUnion Credit Bureau and was told that Chase Bank had attempted to access her credit report multiple times and that these attempts appeared as fraud. *Id.* ¶¶ 16, 47. Plaintiff alleges that Defendant failed to request her credit report when Plaintiff lifted a credit freeze as Defendant requested Plaintiff do during the credit application process. *Id.* ¶¶ 35, 45. Plaintiff alleges that as a result of these events she has been placed in a state of shock. *Id.* ¶ 33. The conduct that Plaintiff alleges constitutes intentional infliction of emotional distress "does not meet the high bar Virginia sets for outrageous and intolerable behavior." *Guo v. Xia*, No. 1:18-CV-174, 2018 WL 11509765, at *2 (E.D. Va. Dec. 5, 2018); *see also Vinayagam v. Malpani*, No. 3:22CV6 (DJN), 2022 WL 4131197, at *11 (E.D. Va. July 29, 2022) (dismissing claim for intentional infliction of emotional distress where plaintiff alleged "mental anguish, anxiety, and shame" related to disputes between plaintiff and defendant-employer).

Accordingly, it is hereby

ORDERED that Plaintiffs Motion for Leave from the Court to File a Proposed Emergency Complaint (Dkt. 1), Motion for Leave to Proceed *In Forma Pauperis* (Dkt. 2), and Motion for Leave from the Court to File a Proposed Amended Emergency Complaint (Dkt. 3) are **DENIED**.

To appeal this decision, Plaintiff must file a Notice of Appeal (NOA) with the Clerk's Office within thirty (30) days of the date of this Order, including in the NOA the date of the Order that Plaintiff wants to appeal. Plaintiff need not explain the grounds for appeal until so directed by the appellate court. Failure to file a timely NOA waives the right to appeal this Order.

The Clerk is **DIRECTED** to send a copy of this Order to Appellant and to close this civil action.

Entered this 10th day of October, 2024.
Alexandria, Virginia

/s/ Patricia Tolliver Giles
Patricia Tolliver Giles
United States District Judge

APPENDIX C**UNITED STATES SUPREME COURT**

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/24a791.html>

No. 24A791

Title: **Dora L. Adkins, Applicant**
v.
JP Morgan Chase Bank, N.A.

Docketed: February 18, 2025

Lower Ct: United States Court of Appeals
for the Fourth Circuit

Case Numbers: (24-2030)

DATE PROCEEDINGS AND ORDERS

Feb 05 2025 Application (24A791) to extend the
time to file a petition for a writ
of certiorari from March 23, 2025
to May 22, 2025, submitted to The
Chief Justice.

Main Document

Feb 21 2025 Application (24A791) granted by
The Chief Justice extending the
time to file until May 22, 2025.

NAME ADDRESS PHONE

Attorneys for Petitioner

Dora L. Adkins P.O. Box 3825
Merrifield, VA 22116

Party name: Dora L. Adkins

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UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
1100 EAST MAIN STREET, SUITE 501,
RICHMOND, VIRGINIA 23219

October 24, 2024

DOCKETING FORMS
FOLLOW-UP NOTICE

No. 24-2030, Dora Adkins v. JP Morgan Chase Bank,
N.A.
1:24-cv-00894-PTG-WBP

TO: Dora L. Adkins

REQUESTED FORM DUE: November 8, 2024

The form(s) identified below must be filed in the clerk's office electronically by the due date shown. The forms are available for completion as links from this notice and at the court's Web site.

☒ Disclosure Statement

Kirsten Hancock, Deputy Clerk
804-916-2704

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

DISCLOSURE STATEMENT

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by all parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 24-2030 Caption: Dora L. Adkins v. JP Morgan Chase Bank, N.A. 1:24-cv-00894-PTG-WBP

Pursuant to FRAP 26.1 and Local Rule 26.1,

Dora L. Adkins, Petitioner/Appellant
(name of party/amicus)

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who is Petitioner - Appellant, makes the following disclosure:

(appellant/appellee/petitioner/
respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity? ☐YES ☒NO
2. Does party/amicus have any parent corporations? ☐YES ☒NO
If yes, identify all parent corporations, including all generations of parent corporations:
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity? ☐YES ☒NO
If yes, identify all such owners:
4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation? ☐YES ☒NO
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question) ☐YES ☒NO
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding? ☐YES ☒NO
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors'

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committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.

7. Is this a criminal case in which there was an organizational victim? ☐YES ☒NO
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: Dora L Adkins Date: October 30, 2024

Counsel for: Dora L. Adkins