

UNPUBLISHED

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

No. 24-1615

TAIMING ZHANG,

Plaintiff - Appellant,

v.

ANDREW JOSEPH BONOMOLO,

Defendant - Appellee.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, Chief District Judge. (1:23-cv-00627-CCE-JEP)

Submitted: October 8, 2024

Decided: October 18, 2024

Before GREGORY and AGEE, Circuit Judges, and KEENAN, Senior Circuit Judge.

Affirmed as modified by unpublished per curiam opinion.

Taiming Zhang, Appellant Pro Se.

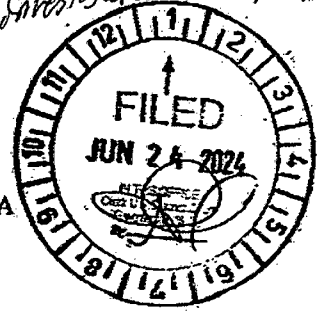
Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Taiming Zhang appeals the district court's order accepting the recommendation of the magistrate judge and dismissing Zhang's civil action for lack of personal jurisdiction based on insufficient service of process. We have reviewed the record and find no reversible error. However, a dismissal for lack of personal jurisdiction must be without prejudice. *Atkisson v. Holder*, 925 F.3d 606, 628 (4th Cir. 2019). We therefore modify the dismissal order, *Zhang v. Bonomolo*, No. 1:23-cv-00627-CCE-JEP (M.D.N.C. June 24, 2024), to reflect dismissal without prejudice for lack of jurisdiction, and affirm as modified, 28 U.S.C. § 2106. 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

Gratitude expressed for such an open call to
being tortured, where every sentence is a lie, most
sentences are palpable lies where further investigation is not necessary



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

TAIMING ZHANG

Plaintiff,

v.

1:23-CV-627

ANDREW JOSEPH BONOMOLO

Defendant.

ENTIRELY FALSE ORDER AND JUDGMENT of an insurrectional scandal

This case is before the Court on a motion to dismiss filed by the defendant based
amazingly this is even a lie
on improper service and lack of personal jurisdiction. The United States Magistrate

Judge recommends granting the motion. Doc. 17. The plaintiff filed objections, Doc. 19,

and a "clarification" to his objection. Doc. 20. Throughout those objections, the plaintiff
I'm negated
repeatedly interjects unfounded personal opinions and *now I can enter my own lie* scurrilous and irrelevant comments
I must know magi
about the Magistrate Judge. The plaintiff does the same in the "clarification."

As the plaintiff admits, there is a state court order finding as a fact that the
by an insurrectionist
defendant does not live at the address where the plaintiff attempted service. As clearly
another lie
insulted and libeled
never happened
explained by the Magistrate Judge, service on another person at that location is

inadequate. Moreover, the plaintiff's attempted service at that address *we* violated a state
never happened, we
court order, the plaintiff admits this lawsuit was filed in this forum in an effort to avoid

the force of state court orders, and allowing this case to proceed here would violate *by not imaging it says something other than what it literally says*
we

important principles of comity. All these abominations are clear proof that nothing would stop *CPCE's*
ensures
others
physical
corporal
punishment

living proof that the founding fathers were

so right w/ Am. I sec 8 clause 15.

Torture exists for a reason.

Every
sentence

is
a
lie

Gratitude
expressed
for such
an open
invitation
to brutal
physical
corporal
punishment
under
the constitution

Torture exists for
a reason.

① A MJ is only ~~allowed~~ to give recommendation of findings and rulings. There's NO auth for amendment of memo. yet another act of insurrection by CDE

The Magistrate Judge wrote a thoughtful and thorough memorandum opinion and recommendation clearly explaining the law and the basis for the recommendation.

Nothing in the objections undermines the Magistrate Judge's analysis. After *de novo* consideration of the portions of the Magistrate Judge's report to which objections were

made, the Court agrees with and hereby adopts the Magistrate Judge's recommendation.

In the objections and supplement, the plaintiff has included pages and pages of vitriol and unsupported claims of misconduct by the Magistrate Judge. As explained recently by another judge in this district:

Litigants are entitled to disagree with a court's decision, and no doubt courts make mistakes – that is why, in part, we have appellate review. But it is a “time honored notion that the law and the courts of the United States are important parts of American society worthy of respect.” *Therault v. Silber*, 579 F.2d 302, 303 (5th Cir. 1978) (dismissing appeal for “vile and insulting references to the trial judge”). Plaintiff must conduct himself uprightly with respect for the judicial process, even when he disagrees with a ruling. Cases are to be argued on their merits, and they will be decided on their merits. Attacking the judicial officer – here the United States Magistrate Judge – is wholly unacceptable and will not be tolerated.

Mitchell v. Seagaze, No. 22-CV-224, 2022 WL 1160405, at *1 (M.D.N.C. Apr. 7, 2022).

These rules apply to all litigants, including the plaintiff here. The plaintiff is warned that there may be consequences resulting from any further personal attacks on the Magistrate Judge or any judicial officer of the federal courts. The plaintiff may also face sanctions under Rule 11 of the Rules of Civil Procedure.

It is **ORDERED AND ADJUDGED** that the defendant's motion to dismiss, Doc. 10, is **GRANTED** for lack of personal jurisdiction. This action is **DISMISSED**, and the

as another act of insurrection
no hearing or right to response
The soundly gotten are so right
plaintiff is **WARNED** that further personal attacks on a Magistrate Judge or any judicial officer may result in ~~dismissal of claims or cases or other appropriate sanction.~~
the fake judge formed, rubberstamped pursuant to the Constitution.

This the 21st day of June, 2024, a modern novel landmark / milestone date *proving ten something so right, instructional*
Her name *illegible*
signature UNITED STATES DISTRICT JUDGE *aka. 5 counties*
ICE 82 quite curious for someone
? -> demanding respect hrb.
FAKE

Annotated by TMZ
under penalties perjury
[Signature]

order by I.S. M(F)J JEP

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

| | | |
|----------------|---|--------------------|
| TAIMING ZHANG, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | |
| |) | Case No. 1:23CV627 |
| ANDREW JOSEPH |) | |
| BONOMOLO |) | |
| |) | |
| Defendant. |) | |

ORDER

This matter is before the Court on a Complaint [Doc. #2] filed by Plaintiff Taiming Zhang, a Chinese citizen, asserting a claim against Defendant Andrew Joseph Bonomolo. In conjunction with the Complaint, Plaintiff also submitted an Application to Proceed *In Forma Pauperis*. The Court has reviewed Plaintiff's Application and concludes that Plaintiff qualifies financially to proceed without payment of costs and fees in this matter.

In considering the exercise of jurisdiction in this case, the Court notes that Plaintiff first purports to bring his claims under the Fifth Amendment for "undue stripping of property and health." However, Plaintiff does not assert claims against a state actor or anyone acting under color of state law, and has not properly stated any federal constitutional or statutory claim. Thus, there does not appear to be a basis for subject matter jurisdiction based on a federal claim. However, Plaintiff also alleges federal diversity jurisdiction and asserts state law claims for fraud, breach of contract, and intentional infliction of emotional distress, and seeks damages in excess of \$75,000.00. Therefore, it appears that there is a basis for federal subject

matter jurisdiction based on diversity, and further consideration of those claims can be undertaken on Motions to Dismiss or for Summary Judgment.

The Court notes that Plaintiff also filed a sealed motion [Doc. #5], requesting that the US Marshal serve Defendant, asking to be allowed to e-file documents, and asking to be “granted a PACER exemption.” In considering this request, the Court first notes that there is no basis for this Motion to be sealed, and the Clerk will be directed to unseal it. With respect to service, as set out below, the U.S. Marshal’s Service will serve the Complaint by mail, but Plaintiff is responsible for delivering to the clerk a correct summons for service. With respect to a PACER exemption, there is no need for a PACER exemption since Plaintiff will receive a free copy of documents filed in this case. With respect to e-filing documents, at this early stage, and in order to keep sufficient oversight over the docket, that request will be denied, but without prejudice to further consideration of the request later in the proceedings.

IT IS THEREFORE ORDERED that Plaintiff’s Application for Leave to Proceed In Forma Pauper and Affidavit/Declaration in Support [Doc. #1] is GRANTED, and Plaintiff is hereby permitted to proceed in this action in forma pauperis, pursuant to 28 U.S.C. § 1915(a). Plaintiff is responsible for preparing and delivering to the Clerk, the correct summons for service on each defendant, including the correct address and the name and title of the individual to be served on behalf of a corporation, association, infant, incompetent or government agency. Failure to prepare and deliver said summons within 30 days from the filing of this order shall result in this case being dismissed without further notice. The U.S. Marshal shall serve the summons and complaint upon defendants.

IT IS FURTHER ORDERED that Plaintiff's Motion for Service and PACER exemption [Doc. #5] is unsealed and is denied as set out above.

This, the 16th day of January, 2024.

/s/ Joi Elizabeth Peake
United States Magistrate Judge

FILED: October 18, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-1615
(1:23-cv-00627-CCE-JEP)

TAIMING ZHANG

Plaintiff - Appellant

v.

ANDREW JOSEPH BONOMOLO

Defendant - Appellee

J U D G M E N T

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

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

/s/ NWAMAKA ANOWI, CLERK

FILED: November 12, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-1615
(1:23-cv-00627-CCE-JEP)

TAIMING ZHANG

Plaintiff - Appellant

v.

ANDREW JOSEPH BONOMOLO

Defendant - Appellee

MANDATE

The judgment of this court, entered October 18, 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

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