

## INDEX TO APPENDICES

APPENDIX	PAGE DESCRIPTION
A	1 Per Curiam Orders - USCA Fifth Circuit 24-10614, Brewer, Petitioner
B	4 Per Curiam Order and Judgement - USDC Northern Texas- Amarillo 2:24-cv-0123
C	7 Table of Contents, Complaint 24-cv-0123, Brewer et al v. Burns et al 25 Letter to Clerk September 26, 2024
D	27 Pacer Electronic Docket USDC 24-cv-0123, Brewer et al v. Burns et al 30 Pacer Electronic Docket USCA 24-10614, Brewer, Appellant
E	Opinions - United States Supreme Court: 35 Denton v. Hernandez (1992) 42 FDA v. Hippocratic Medicine (2024) 56 Loper Bright Enterprises v. Raimondo (2024) 76 Neitzke v. Williams (1989)
F	85 18 U.S.C. §§ 175-178 prohibiting bioweapons and bioweapons delivery systems 107 18 U.S.C. §§ 1961-1968 racketeering offenses, civil remedies, venue 145 28 U.S.C. §§ 1915, 1915A in forma pauperis pro se access to federal courts 152A 28 U.S.C. § 2679(b)(2) 153 42 U.S.C. §§ 2000bb, bb1-bb4
G	168 Supreme Court Rules 10(a) correcting egregious wrongs, and 10(c) correcting errant decisions conflicting with Court mandates
H	170 Appellant Brief 210 Appellant En Banc Petition 233 Motion For Reversal And Stay

NOTE: All page numbers referenced above and in the Petition are in the lower left corner of each page in red 8 point font as below:

Appendix A Page 1

Appendices Cover Sheet

United States Court of Appeals  
for the Fifth Circuit

---

No. 24-10614  
Summary Calendar

---

United States Court of Appeals  
Fifth Circuit  
**FILED**  
November 11, 2024

DENNIS SHELDON BREWER,

Lyle W. Cayce  
Clerk

*Plaintiff—Appellant,*

*versus*

WILLIAM BURNS, *Director, Central Intelligence Agency,*

*Defendant—Appellee.*

---

Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:24-CV-123

---

Before SMITH, CLEMENT, and WILSON, *Circuit Judges.*

PER CURIAM:\*

After reviewing the appellant's brief and the record, we find no reversible error. We AFFIRM. *See 5TH CIR. R. 47.6.*

---

\* This opinion is not designated for publication. *See 5TH CIR. R. 47.5.*

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

December 30, 2024

Lyle W. Cayce  
Clerk

DENNIS SHELDON BREWER,

*Plaintiff—Appellant,*

*versus*

WILLIAM BURNS, *Director, Central Intelligence Agency,*

*Defendant—Appellee.*

---

Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:24-CV-123

---

ON PETITION FOR REHEARING EN BANC

Before SMITH, CLEMENT, and WILSON, *Circuit Judges.*

PER CURIAM:

Treating the petition for rehearing en banc as a petition for panel rehearing (5TH CIR. R. 40 I.O.P.), the petition for panel rehearing is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing en banc (FED. R. APP. P. 40 and 5TH CIR. R. 40), the petition for rehearing en banc is DENIED.

UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT  
OFFICE OF THE CLERK  
F. EDWARD HEBERT BUILDING  
600 S. MAESTRI PLACE  
NEW ORLEANS, LOUISIANA 70130-3408

OFFICIAL BUSINESS

1210 City Place  
Edgewater, NJ 07020

07020-314310

NEW ORLEANS LA 700

31 DEC 2024 PM 1 L

quart

12/31/2024

REG. STAGE

FIRST CLASS MAIL  
PM

\$000.69<sup>0</sup>



ZIP 70130  
041M11471134

Rec'd  
2/10/20  
2/10/20

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

DENNIS SHELDON BREWER,

Plaintiff,

v.

2:24-CV-123-Z

WILLIAM BURNS *et al.*,

Defendants.

**ORDER**

Before the Court are Plaintiff's *pro se* Complaint (ECF No. 3), and Motions for Leave to Proceed *In Forma Pauperis* (ECF No. 4), Motion for Permission for Electronic Case Filing (ECF No. 5), Motion to Appoint Counsel (ECF No. 6), and Motion to Certify Class (ECF No. 7) (collectively, "Motions"), all filed on June 5, 2024. Plaintiff, a resident of Edgewater, New Jersey, sues many federal officials, the New York City Police Department and several of its officials, various domestic and international entities, various individuals in their individual capacities, and an unknown number of John Does. ECF No. 3 at 1-9.

"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).

This Court cannot exercise subject matter jurisdiction over a frivolous complaint. 28 U.S.C. § 1915(e)(2)(B)(i); *see Hagans v. Lavine*, 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)); *see also 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 . . . ”). Courts must 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).

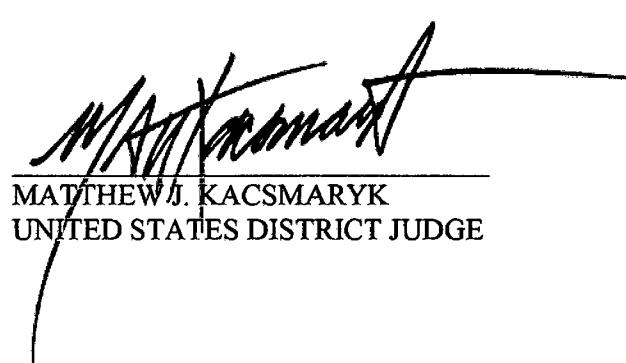
Plaintiff’s Complaint is frivolous. First, *inter alia*, it is a staggering and prolix 595 pages *without attachments*. Second, Plaintiff makes incredible accusations of an “ultrasecret government ‘mind control’ program [that] ran from 1953 until its public disclosure in 1973” promulgated by an “ultra-secret and illegal bioweapon and bioweapon delivery system.” ECF No. 3 at 40. 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 for such wide-ranging allegations.

For these reasons, and for those addressed in similar actions filed (and dismissed) in the D.C. Circuit, it is **ORDERED** that the Complaint is **DISMISSED WITHOUT PREJUDICE**. *See, e.g., Brewer v. Wray*, No. 1:22-cv-00996, 2022 WL 1597610 (D.D.C. May 16, 2022), *aff’d*, No. 22-5158, 2022 WL 4349776 (D.C. Cir. Sept. 20, 2022); *see also Brewer v. Wray*, No. 23-00415, 2023 WL 3608179 (D.D.C. Feb. 28, 2023), *aff’d*, No. 23-5062, 2023 WL 3596439 (D.C. Cir. May 23, 2023).

It is further **ORDERED** that Plaintiff’s Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 4) is **GRANTED**, while the remaining Motions are **DENIED**.

**SO ORDERED.**

June 6, 2024



MATTHEW J. KACSMARYK  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

DENNIS SHELDON BREWER,

Plaintiff,

v.

2:24-CV-123-Z

WILLIAM BURNS *et al.*,

Defendants.

**JUDGMENT**

Before action came on for consideration by the Court, and the issues having been duly considered and a decision duly rendered, it is **ORDERED, ADJUDGED, and DECREED** that this lawsuit is **DISMISSED WITHOUT PREJUDICE**.

The Court renders judgment accordingly.

June 6, 2024.

  
MATTHEW J. KACSMARYK  
UNITED STATES DISTRICT JUDGE

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