

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1816

CARSTON CARRELL WOODSON,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

No. 17-1817

CARSTON CARRELL WOODSON,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

No. 17-1818

CARSTON CARRELL WOODSON,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

No. 17-1819

CARSTON CARRELL WOODSON,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

No. 17-1821

CARSTON CARRELL WOODSON,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

No. 17-1822

CARSTON CARRELL WOODSON,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

No. 17-1825

CARSTON CARRELL WOODSON,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

No. 17-1826

CARSTON CARRELL WOODSON,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

Appeals from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:17-cv-00185-REP; 3:17-cv-00186-REP; 3:17-cv-00187-REP; 3:17-cv-00188-REP; 3:17-cv-00189-REP; 3:17-cv-00190-REP; 3:17-cv-00191-REP; 3:17-cv-00192-REP)

Submitted: November 16, 2017

Decided: January 8, 2018

Before MOTZ, THACKER, and HARRIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Carston Carrell Woodson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Carston Carrell Woodson appeals the district court's orders dismissing with prejudice his complaints under the Federal Torts Claims Act, 28 U.S.C. §§ 2671-80 (2012), for failure to comply, by a specified deadline, with the court's orders to pay the filing fees and to file amended complaints in compliance with Fed. R. Civ. P. 8. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Woodson v. United States*, Nos. 3:17-cv-00185-REP; 3:17-cv-00186-REP; 3:17-cv-00187-REP; 3:17-cv-00188-REP; 3:17-cv-00189-REP; 3:17-cv-00190-REP; 3:17-cv-00191-REP; 3:17-cv-00192-REP (E.D. Va., July 11, 2017). We grant Woodson leave to proceed in forma pauperis, and deny his motions to deconsolidate his eight nearly identical cases, his motions for default judgment, and his motions to vacate final district court order. 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

FILED: January 8, 2018

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1816 (L)
(3:17-cv-00185-REP)

CARSTON CARRELL WOODSON

Plaintiff - Appellant

v.

UNITED STATES OF AMERICA

Defendant - Appellee

No. 17-1817
(3:17-cv-00186-REP)

CARSTON CARRELL WOODSON

Plaintiff - Appellant

v.

UNITED STATES OF AMERICA

Defendant - Appellee

No. 17-1818
(3:17-cv-00187-REP)

CARSTON CARRELL WOODSON

Plaintiff - Appellant

v.

UNITED STATES OF AMERICA

Defendant - Appellee

No. 17-1819
(3:17-cv-00188-REP)

CARSTON CARRELL WOODSON

Plaintiff - Appellant

v.

UNITED STATES OF AMERICA

Defendant - Appellee

No. 17-1821
(3:17-cv-00189-REP)

CARSTON CARRELL WOODSON

Plaintiff - Appellant

v.

UNITED STATES OF AMERICA

Defendant - Appellee

No. 17-1822
(3:17-cv-00190-REP)

CARSTON CARRELL WOODSON

Plaintiff - Appellant

v.

UNITED STATES OF AMERICA

Defendant - Appellee

No. 17-1825
(3:17-cv-00191-REP)

CARSTON CARRELL WOODSON

Plaintiff - Appellant

v.

UNITED STATES OF AMERICA

Defendant - Appellee

No. 17-1826
(3:17-cv-00192-REP)

CARSTON CARRELL WOODSON

Plaintiff - Appellant

v.

UNITED STATES OF AMERICA

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.

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

/s/ PATRICIA S. CONNOR, CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

CARSTON CARRELL WOODSON,

Plaintiff,

v.

Civil Action No. 3:17cv185

UNITED STATES OF AMERICA,

Defendant.

MEMORANDUM ORDER

This matter is before the Court on a document entitled "Docketing Statement In This Court's Jurisdiction For A Verified Complaint" (ECF No. 3). On March 2, 2017, the Plaintiff filed eight virtually identical actions purportedly under the Federal Tort Claims Act which appear to relate to the termination of his employment with the United States Postal Service. However, the proffered Complaint in each of those cases was quite lengthy and was virtually unintelligible because of the use of flowery, nonsensical language in which the plaintiff attempted to brief the case rather than comply with Fed. R. Civ. P. 8. Further, it appeared from each Complaint that the Court likely did not have subject matter jurisdiction because the plaintiff had not followed the prerequisites of the Federal Tort Claims Act under which he purported to proceed.

Nonetheless, the Court provisionally granted the plaintiff's MOTION TO PROCEED IN FORMA PAUPERIS in each case.

The Court also entered an ORDER requiring that the Plaintiff file an Amended Complaint that outlined, "in simple and straightforward terms why the plaintiff thinks that he is entitled to relief and why the Court has jurisdiction over his case." The Plaintiff was informed that, if he did not satisfy that requirement, the provisional grant of relief to proceed *In Forma Pauperis* would be withdrawn and the Motion to Proceed *In Forma Pauperis* would be denied.

On March 23, 2017, the Plaintiff filed, in each of the eight cases, a document virtually identical entitled "Docketing Statement In This Court's Jurisdiction For A Verified Complaint" (the "Docketing Statement").¹ The Docketing Statement, like the Plaintiff's other papers, was flowery, nonsensical and verbose, making it quite difficult to understand. Nonetheless, as is required for all *pro se* cases, the Court sought to give the Docketing Statement a reasonable and fair interpretation.

The Docketing Statement contains language suggesting that the document was intended to be a Verified Complaint "against [the presiding judge] in his individual and judicial capacity

¹ In each of the cases, the Plaintiff filed documents entitled "On Motion To This Court's Jurisdiction To Invoke The Law Of Disqualification Force And Effect Thereagainst The Presiding Senior United States District Judge For The Richmond District" and "On Motion To This Court's Jurisdiction To Set Aside Unconstitutional Order Rendered By The Presiding Senior United States District Judge For The Richmond District." Those are addressed in separate orders.

and the immediate and extended Officers of the Court, in active concert and participation as described in Rule 65(d)(2)(A) or (B), with the inclusive intrinsic and extrinsic persons of promulgated interests."² To the extent that the rather lengthy and convoluted Docketing Statement can be understood, there appear to be claims that the ORDERS issued on March 14, 2017 infringed the Plaintiff's constitutional rights under the First, Fifth and Fourteenth Amendments, and committed violations of 18 U.S.C. §§ 241-242, § 1875, §§ 1501-17 and § 1503.³ In another section, the Plaintiff refers to undefined violations of 42 U.S.C. § 1985(2)(3) and 42 U.S.C. § 1986 and concludes with a broad allegation of a vagrant disregard of ethics canons (Docketing Statement, Section III(A)-(E). The Docketing Statement asks for no personal relief against any person named in its body and appears to be simply another articulation of the Plaintiff's motion seeking recusal and reconsideration of the Orders entered on March 14, 2017.

² In subsequent pages, the Docketing Statement identifies a number of Court personnel in the Clerk's Office, the judges of the United States Court of the Court of Appeals for the Fourth Circuit, the Justices, current and former, of the Supreme Court of the United States, and the Clerk of that Court and a number of employees such as the Curator, the Director of Information Technology, the Librarian, and others. But, there appears to be no claim against any of them.

³ There is also the assertion that in issuing the ORDERS, the presiding judge should be disqualified. That issue is dealt with in a separate order dealing with a recusal motion.

Being satisfied that the Docketing Statement, notwithstanding some of the language therein, is not a claim against the presiding judge for liability but is merely another vehicle for presenting the motion to recuse and the motion to reconsider, the Court has determined that the Court should proceed to determine the motion for recusal and the motion for reconsideration and should consider as well whether the Docketing Statement complies with the requirements of the Orders entered on March 14, 2017. Accordingly, the motions respecting disqualification and reconsideration are addressed separately.

An examination of the Docketing Statement also discloses that it does not comply with the requirement that the plaintiff "shall file an Amended Complaint which outlines in simple and straightforward terms why the plaintiff thinks that he is entitled to relief and why the Court has jurisdiction over his case." Accordingly, the Clerk is directed not to file the Docketing Statement as an Amended Complaint, but to docket it as a document that has been received, titled "Docketing Statement In This Court's Jurisdiction For A Verified Complaint".

Further, having previously advised the Plaintiff that, if he does not satisfy the requirement to file a simple straightforward Amended Complaint, the provisional grant of relief to proceed *In Forma Pauperis* would be withdrawn and the Plaintiff, having failed to comply with the ORDER of March 14,

2017, it is hereby ORDERED that, to the extent the ORDER grants the MOTION TO PROCEED IN FORMA PAUPERIS filed herein (ECF No. 1), the ORDER is vacated and that motion is denied. Accordingly, if the Plaintiff wishes to proceed, he must pay the filing fee. Moreover, if the Plaintiff pays the filing fee, he must tender an Amended Complaint that outlines in simple and straightforward terms why the plaintiff thinks that he is entitled to relief and why the Court has jurisdiction over his case as required by Fed. R. Civ. P. 8. And, the Plaintiff is admonished that, if he fails to comply with this directive, the case will be dismissed with prejudice. An Amended Complaint must be filed by June 30, 2017.

Any appeal from this decision must be taken by filing a written notice of appeal with the Clerk of the Court within sixty (60) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of any right to appeal.

The Clerk is directed to send a copy of this Order to the plaintiff.

It is so ORDERED.

_____/s/ REP_____
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: June 12, 2017

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

CARSTON CARRELL WOODSON,

Plaintiff,

v.

Civil Action No. 3:17cv185

UNITED STATES OF AMERICA,

Defendant.

ORDER

This matter is before the Court on a document entitled "On Motion To This Court's Jurisdiction To Invoke The Law Of Disqualification Force And Effect Thereagainst The Presiding Senior United States District Judge For The Richmond District" (ECF No. 5).

On March 2, 2017, the plaintiff filed eight separate, but virtually identical, actions and also filed a MOTION TO PROCEED IN FORMA PAUPERIS AND FINANCIAL AFFIDAVIT in each case. The MOTION TO PROCEED IN FORMA PAUPERIS was granted provisionally in each case.

The proffered Complaint in each case was quite lengthy and each was virtually unintelligible because it used flowery, nonsensical language and also attempted to brief the case (which of course is not the role of a Complaint). As best as can be

determined, the Plaintiff appeared to be proceeding under the Federal Tort Claims Act and it appears as if the subject of the proffered Complaint is, in some way, related to the termination of employment with the United States Postal Service.

Having reviewed the Complaints, the Court entered an identical ORDER in each case.¹ Because the proffered Complaints were unintelligible and offended Fed. R. Civ. P. 8, and because there was doubt as to whether there was subject matter jurisdiction, the Court ordered the Clerk not to file the proffered Complaints and directed that, by March 31, 2017, the Plaintiff was to file "an Amended Complaint which outlines in simple and straightforward terms why the plaintiff thinks that he is entitled to relief and why the Court has jurisdiction over his case."

The Plaintiff did not comply with that instruction. Instead, he filed three documents in each case, one of which was the pending motion and, like the proffered Complaints, the current motion is lengthy and laden with flowery, difficult to understand and nonsensical language. Nonetheless, giving the motion a fair and reasonable construction which, of course, the

¹ Civil Action No. 3:17cv185 (ECF No. 2); Civil Action No. 3:17cv186 (ECF No. 2); Civil Action No. 3:17cv187 (ECF No. 2); Civil Action No. 3:17cv188; Civil Action No. 3:17cv189; Civil Action No. 3:17cv190 (ECF No. 2); Civil Action No. 3:17cv191 (ECF No. 2); and Civil Action No. 3:17cv192 (ECF No. 2).

Court is required to do in the case of a *pro se* litigant, it appears that the object of this motion is to have the undersigned recuse himself from this case because of the ORDER issued on March 14, 2017 directing the Clerk not to file the proffered Complaint, and affording the Plaintiff an opportunity to file an Amended Complaint that complied with Rule 8 and that could be readily understood. It seems that the theory of recusal asserted by the Plaintiff is that issuing that ORDER created the appearance of impropriety.

The statutory requirement for recusal on that ground is found in 28 U.S.C. § 455(a). Having surveyed the statute and compared it against the assertions in the current motion, it is obvious that there is no ground upon which recusal should be the result in this case.

The Court has authority to determine whether jurisdiction is proper. See Chicot Cty. Drainage Dist. v. Baxter State Bank, 308 U.S. 371, 377 (1940) ("Whatever the contention as to jurisdiction may be, whether it is that the boundaries of a valid statute have been transgressed, or that the statute itself is invalid, the question of jurisdiction is still one for judicial determination."). Pursuant to 28 U.S.C. § 1915(d), the Court can dismiss any Complaint if it is frivolous or delusional. See Neitzke v. Williams, 490 U.S. 319, 327

(1989) ("the statute accords judges [] the authority to dismiss a claim based on an indisputably meritless legal theory"). However, rather than dismiss the case, the Court afforded the Plaintiff an opportunity to file an Amended Complaint that set forth clearly and simply the basis for the Court's jurisdiction and the nature of his claim and against whom he thought it was being prosecuted. Issuing Orders of that sort clearly lie within the province of the Court.

The fact that such an Order is issued is no ground for recusal under 28 U.S.C. § 455(a). See Belue v. Leventhal, 640 F.3d 567, 572 (4th Cir. 2011) (internal citations omitted) ("bias or prejudice must, as a general matter, stem from a source outside the judicial proceeding at hand in order to disqualify a judge"); see also Liteky v. United States, 510 U.S. 540, 541 (1994) ("judicial rulings alone almost never constitute valid basis for a bias or partiality recusal motion."). Nor can the issuance of an order that is within the Court's jurisdiction be the basis for an appearance of impropriety where, as here, the order accords a pleading a reasonable construction and affords a pro se litigant an opportunity to remedy a defective pleading. Accordingly, the document entitled "On Motion To This Court's Jurisdiction To Invoke The Law Of Disqualification Force And

Effect Thereagainst The Presiding Senior United States District Judge For The Richmond District" (ECF No. 5) is denied.

The Clerk is directed to send a copy of this Order to the plaintiff.

It is so ORDERED.

_____/s/ REP_____
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: June 12, 2017

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

CARSTON CARRELL WOODSON,

Plaintiff,

v.

Civil Action No. 3:17cv185

UNITED STATES OF AMERICA,

Defendant.

ORDER

This matter is before the Court on a document entitled "On Motion To This Court's Jurisdiction To Set Aside Unconstitutional Order Rendered By The Presiding Senior United States District Judge For The Richmond District" (ECF No. 4).

On March 2, 2017, the plaintiff filed eight separate, but virtually identical, actions and also filed a MOTION TO PROCEED IN FORMA PAUPERIS AND FINANCIAL AFFIDAVIT in each case. The MOTION TO PROCEED IN FORMA PAUPERIS was granted provisionally in each case.

The proffered Complaint in each case was quite lengthy and each was virtually unintelligible because it used flowery, nonsensical language and also attempted to brief the case (which of course is not the role of a Complaint). As best as can be determined, the Plaintiff appeared to be proceeding under the

Federal Tort Claims Act and it appears as if the subject of the proffered Complaint is, in some way, related to the termination of employment with the United States Postal Service.

Having reviewed the Complaints, the Court entered an identical ORDER in each case.¹ Because the proffered Complaints were unintelligible and offended Fed. R. Civ. P. 8 and because there was doubt as to subject matter jurisdiction, the Court ordered the Clerk not to file the proffered Complaints and directed that, by March 31, 2017, the Plaintiff was to file "an Amended Complaint which outlines in simple and straightforward terms why the plaintiff thinks that he is entitled to relief and why the Court has jurisdiction over his case."

The Plaintiff did not comply with that instruction. Instead, he filed three documents in each case, one of which was the pending motion and, like the proffered Complaints, the current motion is lengthy and laden with flowery, difficult to understand and nonsensical language. Nonetheless, giving the motion a fair and reasonable construction which, of course, the Court is required to do in the case of a *pro se* litigant, it appears that the object of the motion is to have the Court

¹ Civil Action No. 3:17cv185 (ECF No. 2); Civil Action No. 3:17cv186 (ECF No. 2); Civil Action No. 3:17cv187 (ECF No. 2); Civil Action No. 3:17cv188 (ECF No. 2); Civil Action No. 3:17cv189 (ECF No. 2); Civil Action No. 3:17cv190 (ECF No. 2); Civil Action No. 3:17cv191 (ECF No. 2); and Civil Action No. 3:17cv192 (ECF No. 2).

reconsider the ORDER issued on March 14, 2017 directing the Clerk not to file the proffered Complaint, and affording the plaintiff an opportunity to file an Amended Complaint that complied with Rule 8, that could be readily understood, and that demonstrated subject matter jurisdiction.

Where, as here, there is a motion to reconsider an interlocutory order, the Court will reconsider the order "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice." Pac. Ins. Co. v. Am. Nat. Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998). It is clear that none of the grounds for reconsideration are met in this motion and accordingly the document entitled "On Motion To This Court's Jurisdiction To Set Aside Unconstitutional Order Rendered By The Presiding Senior United States District Judge For The Richmond District" (ECF No. 4) is denied.

The Clerk is directed to send a copy of this Order to the plaintiff.

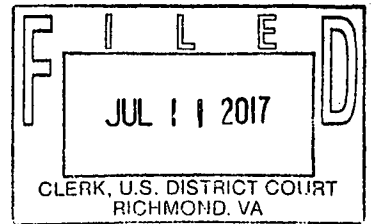
It is so ORDERED.

/s/ *REP*

Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: June 12, 2017

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



CARSTON CARRELL WOODSON,

Plaintiff,

v.

Civil Action No. 3:17cv185

UNITED STATES OF AMERICA,

Defendant.

ORDER

By MEMORANDUM ORDER (ECF No. 6) entered herein on June 13, 2017, the plaintiff's MOTION TO PROCEED IN FORMA PAUPERIS was denied and the plaintiff was afforded the opportunity to pay the filing fee and to file, by June 30, 2017, an Amended Complaint that complied with Fed. R. Civ. P. 8. The MEMORANDUM ORDER (ECF No. 6) admonished the plaintiff that this action would be dismissed with prejudice if those requirements were not met. Having reviewed the file, and finding that the plaintiff has failed to pay the filing fee or to file an Amended Complaint, it is hereby ORDERED that this action is dismissed with prejudice.

Any appeal from this decision must be taken by filing a written notice of appeal with the Clerk of the Court within sixty (60) days of the date of entry hereof. Failure to file a

timely notice of appeal may result in the loss of any right to appeal.

The Clerk is directed to send a copy of this Order to the plaintiff.

It is so ORDERED.

_____/s/ REP
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: July 11, 2017