

UNPUBLISHED

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

No. 17-2445

PATRICK CHRISTIAN,

Plaintiff - Appellant,

v.

**UNITED STATES OF AMERICA; COMMONWEALTH STATE OF
VIRGINIA; CITY OF RICHMOND,**

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at
Richmond. Henry E. Hudson, District Judge. (3:17-cv-00725-HEH)

Submitted: April 19, 2018

Decided: April 23, 2018

Before GREGORY, Chief Judge, and THACKER and HARRIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Patrick O. Christian, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Patrick O. Christian appeals the district court's order dismissing his civil rights complaint under 28 U.S.C. § 1915(e)(2)(B) (2012). We have reviewed the record and find no reversible error. Accordingly, we deny leave to proceed in forma pauperis and dismiss the appeal for the reasons stated by the district court. *Christian v. United States*, No. 3:17-cv-00725-HEH (E.D. Va. Dec. 14, 2017). 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.

DISMISSED

FILED: April 23, 2018

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(3:17-cv-00725-HEH)

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v.

UNITED STATES OF AMERICA; COMMONWEALTH STATE OF
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Defendants - Appellees

J U D G M E N T

In accordance with the decision of this court, this appeal is dismissed.

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**

PATRICK CHRISTIAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 3:17CV725-HEH
	)	
UNITED STATES OF AMERICA, <i>et al.</i> ,	)	
	)	
Defendants.	)	

MEMORANDUM ORDER
**(Granting Plaintiff's Motion to Proceed *In Forma Pauperis*;
Dismissing Complaint)**

THIS MATTER is before the Court on *pro se* Plaintiff Patrick Christian's ("Plaintiff") Application to Proceed *In Forma Pauperis*, filed on October 30, 2017. The Court concludes that Plaintiff is unable to pay the required fees and, therefore, Plaintiff's Application to Proceed *In Forma Pauperis* is hereby GRANTED. Plaintiff may proceed in this case without paying the Court's filing fee. The Court DIRECTS the Clerk to file Plaintiff's Complaint in this case. For the reasons set forth below, however, the Court finds that the Complaint fails to state a claim for all of Plaintiff's claims. Accordingly, the Court DISMISSES Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and Federal Rule of Civil Procedure 8(a)(2).

The Court acknowledges that *pro se* complaints are afforded a liberal construction. *Laber v. Harvey*, 438 F.3d 404, 413 n.3 (4th Cir. 2006). The Court, however, need not attempt "to discern the unexpressed intent of the plaintiff." *Id.* Nor does the requirement

of liberal construction excuse a clear failure in the pleadings to allege a federally cognizable claim. *See Weller v. Dep't of Soc. Servs.*, 901 F.2d 387, 390–91 (4th Cir. 1990). As the Fourth Circuit explained in *Beaudett v. City of Hampton*, “[t]hough [*pro se*] litigants cannot, of course, be expected to frame legal issues with the clarity and precision ideally evident in the work of those trained in law, neither can district courts be required to conjure up and decide issues never fairly presented to them.” 775 F.2d 1274, 1276 (4th Cir. 1985).

Section 1915(e)(2) “is designed largely to discourage the filing of, and waste of judicial and private resources upon, baseless lawsuits that paying litigants generally do not initiate because of the costs of bringing suit.” *McLean v. United States*, 566 F.3d 391, 399 (4th Cir. 2009) (quoting *Neitzke v. Williams*, 490 U.S. 319, 327 (1989)). “The Court must *sua sponte* dismiss a claim filed *in forma pauperis* under Section 1915(e)(2) if the action is frivolous or malicious or fails to state a claim upon which relief may be granted.” *Clarke v. Virginia*, No. 3:16CV126, 2016 WL 3181139, at *1 (E.D. Va. June 3, 2016) (citing *Michau v. Charleston Cty., S.C.*, 434 F.3d 725, 728 (4th Cir. 2006)), *aff'd*, No. 16-1658, 2016 WL 6068851 (4th Cir. 2016) (unpublished opinion). The Court must screen all complaints filed *in forma pauperis* to ensure judicial economy. *Michau*, 434 F.3d at 728.

Under Federal Rule of Civil Procedure 8(a)(2), a complaint need not assert “detailed factual allegations,” but must contain “more than labels and conclusions” or a “formulaic recitation of the elements of a cause of action.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (citations omitted). Thus, the “[f]actual allegations must be

enough to raise a right to relief above the speculative level” to one that is “plausible on its face,” rather than merely “conceivable.” *Id.* at 555, 570. “A claim has facial plausibility 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 v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Twombly*, 550 U.S. at 556). The Court assumes Plaintiff’s well-pleaded allegations to be true and views all facts in the light most favorable to him. *T.G. Slater & Son v. Donald P. & Patricia A. Brennan, LLC*, 385 F.3d 836, 841 (4th Cir. 2004) (citing *Mylan Labs, Inc. v. Matkari*, 7 F.3d 1130, 1134 (4th Cir. 1993)).

Allowing the *pro se* Plaintiff as broad a latitude in the construction of his Complaint as possible, Plaintiff alleges several constitutional and statutory violations against Federal and State government actors as well as private actors. (Compl. ¶ 2(a)-(q).) Plaintiff’s main allegations appear to arise out of a court-ordered involuntary hospitalization in 2015. (*Id.* at ¶ 2(c).) Plaintiff received treatment and medication during his hospitalization and he is now claiming that he was “maliciously wounded” as a result. (*Id.*) He further asserts that there are a number of conspiracies against him. He claims that “library and resource centers” are violating his privacy, that state and federal courts are dismissing his cases because of racial bias, and that the government is conspiring with his family members to covet his property. (*Id.* at ¶ 2(d)-(k).) Plaintiff believes that his equal protection rights have been violated and that unconstitutional conduct is preventing him from fairly having his cases tried, finding employment, and running for public office. (*Id.* at ¶ 2(l)-(q).) Plaintiff questions the legitimacy of his

previous court proceedings and suggests that his injuries are the result of conspiracies and “invidious discrimination.” (*Id.* at ¶¶ 2(q)-3.) He demands \$5.2 billion in damages. (*Id.*)

Plaintiff asserts a number of constitutional claims, federal law claims, Virginia constitutional claims, and Virginia state law claims against both government and private actors. He has failed to plead any allegations that rise above speculation and facial plausibility. Plaintiff has also failed to assert facts showing any constitutional violation beyond his “conclusory” or “speculative” allegations that government actors hospitalized Plaintiff without his consent. Further, these claims are nearly identical to those in the two complaints he has filed with this Court within the last year. (*See* Complaint, *Christian v. Commonwealth*, No. 3:17-cv-536 (E.D. Va. Aug. 11, 2017), *aff’d*,-- F. App’x--, No. 17-1941 (4th Cir. Nov. 27, 2017); *see* Amended Complaint, *Christian v. City of Richmond*, No. 3:16-cv-902 (E.D. Va. Feb. 23, 2017), *aff’d*, -- F. App’x --, 2017 WL 2703630 (4th Cir. June 22, 2017).) Both of these complaints were dismissed with prejudice for failure to state a claim and were affirmed by the Fourth Circuit. (*See* Complaint, *Christian v. Commonwealth*,-- F. App’x--, No. 17-1941 (4th Cir. Nov. 27, 2017); *see* *Christian v. City of Richmond*, -- F. App’x --, 2017 WL 2703630 (4th Cir. June 22, 2017).)

Because Plaintiff’s claims have already been dismissed with prejudice, and because he seeks \$5.2 billion in damages, the Court finds that his Complaint is patently frivolous. Accordingly, pursuant to 28 U.S.C. § 1915(e)(2)(B), this action is
DISMISSED WITH PREJUDICE.

Furthermore, based on the Complaint's frivolity, the Court certifies that an appeal of Plaintiff's *in forma pauperis* would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3). Accordingly, Plaintiff's *in forma pauperis* status is hereby REVOKED.

The Clerk is directed to send a copy of this Order to Plaintiff, who is *pro se*.
It is so ORDERED.



/s/
Henry E. Hudson
United States District Judge

Date: Dec 14, 2017
Richmond, VA

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