

United States Court of Appeals
for the Fifth Circuit

No. 24-10431
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
October 10, 2024

Lyle W. Cayce
Clerk

JAMES ARTHUR MEEKS, III,

Plaintiff—Appellant,

versus

ALVIN DEBOUSE; FNU LNU, *Chief Probation Officer*; JOHN DOE
TASK FORCE; JOHN DOES TASK FORCE SUPERVISOR(S),

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:23-CV-619

Before SMITH, STEWART, and DUNCAN, *Circuit Judges*.

PER CURIAM:*

James Arthur Meeks, III, Texas prisoner # 543366, appeals the dismissal with prejudice of his civil rights complaint against United States Probation Officer Alvin DeBouse and others for failure to state a claim. Meeks argues that the district court erred in dismissing his complaint without

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

No. 24-10431

affording him the opportunity to amend and in denying his motion for reconsideration. We AFFIRM.

We review *de novo* the dismissal of Meeks's complaint. *Legate v. Livingston*, 822 F.3d 207, 209–10 (5th Cir. 2016). Because Meeks is a prisoner proceeding *in forma pauperis*, the district court screened Meeks's complaint under 28 U.S.C. §§ 1915A and 1915(e)(2). Both sections permit *sua sponte* dismissal of frivolous complaints. *See* 28 U.S.C. §§ 1915(e)(2)(B), 1915A(b). Typically, before a court dismisses a *pro se* complaint, the court gives the plaintiff notice of the complaint's deficiencies and an opportunity to amend. *Eason v. Thaler*, 14 F.3d 8, 9 (5th Cir. 1994). Dismissal may be appropriate without an opportunity to amend, however, where amendment is futile because “the facts alleged are ‘fantastic or delusional scenarios’ or the legal theory upon which a complaint relies is ‘indisputably meritless.’” *Id.* at 9 n.5 (quoting *Neitzke v. Williams*, 490 U.S. 319, 327–28 (1989)).

On appeal, Meeks articulates amendments to his complaint that are responsive to some of the deficiencies identified by the district court. Still, amendment would be futile because the allegations underpinning Meeks's claims are “fantastic or delusional scenarios.” For instance, his complaint alleges officers have performed “de facto” arrests by using “pursuit management tools” and “electromagnetic interference devices.” No amendment would make these allegations plausible.

Accordingly, the district court did not reversibly err by failing to give Meeks an opportunity to amend. For similar reasons, the court also did not err in denying Meeks's Rule 59(e) motion for reconsideration.

AFFIRMED.

APPENDIX A. (9)

United States Court of Appeals
for the Fifth Circuit

No. 24-10431

United States Court of Appeals
Fifth Circuit

FILED

November 19, 2024

Lyle W. Cayce
Clerk

JAMES ARTHUR MEEKS, III,

Plaintiff—Appellant,

versus

ALVIN DEBOUSE; FNU LNU, *Chief Probation Officer*; JOHN DOE
TASK FORCE; JOHN DOES TASK FORCE SUPERVISOR(S),

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:23-CV-619

ON PETITION FOR REHEARING

Before SMITH, STEWART, and DUNCAN, *Circuit Judges.*

PER CURIAM:

IT IS ORDERED that the petition for rehearing is DENIED.

APPENDIX C. (18)

① Neitzke v. Williams, 490 U.S. 319

Ans 3: THE FRIVOLOUSNESS standard, authorizing Sua Sponte Dismissal of an in forma pauperis complaint "only if the petitioner cannot [*323] make any rational argument in law or fact which would entitle him or her to relief," is a "More lenient" standard than that of Rule 12(b)(6), the Ct. stated, 837 F.2d, at 307. Unless there is "indisputably absent any factual or legal basis" for the wrong asserted in the Complaint, the tr. Ct., "[i]n a close case," should permit the claim to proceed at least to the point where responsive pleadings are required. ibid

* My claims pertain to when I was NOT INCARCERATED. *

[Legate v. Livingston, 822 F.3d 207 (5th Cir. 2016)]

"Futility is determined under R. 12(b)(6) standards, meaning an amendment is considered futile if it would fail to state a claim upon which ~~which~~ [*7] which relief could be granted."

See Stripling v. Jordan Prod. Co., 234 F.3d 863, 872 (5th Cir. 2000)

[EASON v. Thaler, 14 F.3d 8 (5th Cir. 1994)]

CIT AT [n.5] Spears v. McCotter 764 F.2d 179, 181 (5th Cir. 1985)

TO HOLD develop a Prisoner's claims AND CIT. Neitzke v. Williams 490 U.S. 319, 327-28 (FANTASTIC/DELUSIONAL)

5th Cir. BRNOD THE "De facto Arrests" "Pursuit Manago's tools" & BIDOUTES were used as a Viol of Search & Seizure

**¹⁷ COURT'S MUST CONSIDER THE COMPLAINT IN ITS ENTIRETY " WHEN DETERMINING WHETHER IT STATES A CLAIM. TELLAGS, INC. V. MAJOR ISSUES & RIGHTS, LTD. 551*

Boom →

UNITED STATES DISTRICT COURT U.S. 308, 127 S.Ct.
FOR THE NORTHERN DISTRICT OF TEXAS 2499 (2007)
FORT WORTH DIVISION

JAMES ARTHUR MEEKS,
(TDCJ No. 02418057),
Plaintiff,

vs.

Civil Action No. 4:23-CV-619-P

ALVIN DeBOUSE, et al.,

Defendants.

**OPINION and ORDER OF DISMISSAL
UNDER 28 U.S.C. §§ 1915A & 1915(e)(2)(B)**

The case is before the Court for review of pro-se-inmate/plaintiff James Arthur Meeks ("Meeks")'s complaint under the screening provisions of 28 U.S.C. §§ 1915A and 1915(e)(2)(B). After conducting that review, the Court finds that all claims as asserted by plaintiff Meeks must be dismissed under authority of these provisions.

BACKGROUND

Meeks initiated this case with the filing of a civil-rights complaint form seeking relief for violations of his constitutional rights against federal defendants under *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388, 397 (1971). Compl. 1-14, ECF No. 1.¹ In the complaint, Meeks names as

¹ Meeks previously included the same defendants and the same or similar claims in a lawsuit originally filed in the Eastern District of Texas, *Meeks v. Ray, et al.*, No. 4:22-CV-237 (E.D. Tex.). By an Order of Severance and Transfer issued March 29, 2023, that Court severed Meeks's claims against these same defendants and transferred those claims to this the Fort Worth Division. *Id.* (E.D. Tex, Mar. 29, 2023). Once received in Fort Worth, the case was given case number 4:23-CV-313-P and assigned to the undersigned. No. 4:23-CV-313-P (N.D. Tex. Mar. 31, 2023). Meeks failed to timely respond to a deficiency order and that case was dismissed without prejudice. No. 4:23-CV-313 (N. D. Tex. May 1, 2023 and January 17, 2024),

defendants Alvin DeBouse, United States Probation Officer, Northern District of Texas, Arlington Division; FNU/LNU Chief Probation Officer, Northern District of Texas, Ed Kinkeade's Court; John Doe Task Force, Northern District of Texas; Supervisor, John Doe Task Force, Northern District of Texas (Dallas/Fort Worth). Compl. Style, 3, ECF No. 1. In his statement of claim, Meeks recites the following:

I was serving my 3 yr supervised release from (3:15-CR-468-K(1)) in Fort Worth, TX in 2020 and 2021, I was sentenced to substance abuse treatment and mental health (treatment), but was never placed in [such treatment] by [the] BOP or Alvin DeBouse or his supervisor either while in the V.O.A. halfway house from 10/2020 to 4/2021, or when released on 4/2021-to- 7/2021 at arrest. Once I received 2 positive U.R.'s for methamphetamine Alvin DeBouse began stalking and surveilling me, harassed me on 7/13/2021 and 7/15/2021 scaring me from reporting . . . for a urinalysis then causing a Task Force to gang stalk me through 6 Tex. counties over a 10 day period via de facto arrests, high tech illegal surveillance and weaponized pursuit management tools causing me to have a mental breakdown while inducing me to a criminal act via harassment [sic].

Compl § V page 4, ECF No. 1.

In multiple attachment pages, Meeks recites claims against these defendants arising from allegations that probation officers did not properly place him in a court-ordered substance abuse or mental health program when he began his term of supervised release. Then, when he was subjected to urinalysis tests by defendants, his specimens tested positive for methamphetamine. As a result, defendants created

ECF Nos. 37 and 52. In the meantime, Meeks filed this new similar case on June 13, 2023.

a "John Doe Task Force" that conducted illegal or unlawful surveillance of him, in violation of the Fourth Amendment. Compl. 6-10, ECF No. 1.

With regard to the section of the form complaint providing for the relief sought in the case, Meeks wrote *only*: "I want the federal actors disciplined so that they will never illegally do those acts again and manipulate the legal law enforcement resources as they did here." Compl. § VI page 4, ECF No. 1.

STANDARD OF REVIEW UNDER §§ 1915A and 1915(e)(2)(B)

Plaintiff Meeks is an inmate who has been permitted to proceed in forma pauperis. As a part of the Prison Litigation Reform Act ("PLRA"), Congress enacted 28 U.S.C. § 1915A, which requires a district court to review a complaint from a prisoner seeking relief from a governmental entity, officer, or employee as soon as possible after docketing. See 28 U.S.C.A. § 1915A(a). As Meeks is a prisoner, his cause is subject to review under § 1915A. Because Meeks is proceeding in-forma-pauperis, his complaint is also subject to screening under 28 U.S.C. § 1915(e)(2). Both §1915(e)(2) and §1915A provide for *sua sponte* dismissal of the complaint or any portion thereof, if it is frivolous, malicious, fails to state claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. See 28 U.S.C.A. §§ 1915(e)(2)(B) and 1915A(b).

A complaint is frivolous when it "lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). A claim lacks an arguable basis in law when it is "based on an indisputably meritless legal theory." *Id.* at 327. A claim lacks an arguable basis in fact when it describes "fantastic or delusional scenarios." *Id.* at 327-28. A complaint fails to state a claim upon which relief may be granted when it fails to plead "enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*,

SUE THE INDIV. MUNICIPALITIES EA.
LAW ENF. OFF. WAS PAID BY.

550 U.S. 544, 570 (2007); accord *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). To avoid dismissal for failure to state a claim, plaintiffs must allege facts sufficient to "raise the right to relief above the speculative level." *Twombly*, 550 U.S. at 555. Mere "labels and conclusions" nor "a formulaic recitation of the elements of a cause of action" suffice to state a claim upon which relief may be granted. *Id.*



ANALYSIS

A. John Doe Task Force – Non-Jural Entity

Plaintiff has named as defendants the John Doe Task Force and claims that it "employed daily de facto arrests in which this unit employed and deployed 'weaponized pursuit management tools.'" Compl. 8, ECF No. 1. The Court first notes that the John Doe Task Force does not have the capacity to be sued. In this regard:

A plaintiff may not bring a claim against a governmental entity or department unless it enjoys a separate and distinct legal existence. *Darby v. Pasadena Police Dep't*, 939 F. 2d 311, 313-14 (5th Cir. 1991). State agencies that may sue and be sued are known as jural entities; non-jural entities are not subject to suit. *Id.* The capacity to sue or be sued is determined by the law of the state where the district court is located. FED. R. CIV. P. 17(b)(2), (3); *Darby*, 939 F.2d at 313-14.

In Texas, county sheriff's departments and police departments are not legal entities capable of being sued in the absence of express action by the superior corporation (the county, in the case of a sheriff's department, and the city, in the case of a police department) "to grant the servient agency with jural authority." *Darby*, 930 F. 2d at 313. Accordingly, in *Darby*, the Fifth Circuit affirmed a district court's

A Political Sub-division CANNOT pursue a suit on ITS own unless it is "A separate and distinct corp. entity." *Kirby Lumber Corp. v. STATE OF LA. THROUGH ANACOCO - PRAIRIE STATE GAME AND FISH COMM'N.* 293 F.2d 82, 83 (5th Cir. 1961)

← was allowed TO AMEND

SUING THE MUNICIPALITY
WHERE THE TASK FORCE
MEMBER WAS FROM

OVER

APPENDIX B. (13)

TO SUB THE COUNTY = SHERIFFS

" " " CITY = Poli Depts.

STEPS TO TAKE : ① TO DEMONSTRATE A GOVT. Policy OR CUSTOM UNDER 1983, A PLAINTIFF MUST, AT LEAST SHOW: "A PATTERN OF SIMILAR INCIDENTS IN WHICH CITIZENS WERE INJURED OR ENDANGERED BY INTENTIONAL OR NEGLIGENT POLICE MISCONDUCT AND/OR THAT SERIOUS INCOMPETENCES OR MISBEHAVIOR WAS GENERAL OR WIDESPREAD THROUGHOUT THE POLICE FORCE.

FRANKS, 957 F.2d at 1278 (Ct.)

LANGUIRAN, 717 F.2d at 227-28

AT MOT. TO DISMISS

STAGE

② " ONLY MINIMAL FACTUAL ALLEGATIONS SHOULD BE REQUIRED," IN 1983 SUITS AGAINST MUNICIPALITIES, AND "THOSE ALLEGATIONS NEED NOT SPECIFICALLY STATE WHAT THE POLICY IS, AS THE PLAINTIFF WILL GENERALLY NOT HAVE ACCESS TO IT, BUT MAY BE MORE GENERAL." THOMAS V. CITY OF GALVESTON, 800 F. Supp., 2d 826, 843 (S.D. TEX. 2011); see also LEATHERMAN V. TARRANT COUNTY NARCOTICS INTELLIGENCE AND COORDINATION UNIT, 507 U.S. 163, 113 S. Ct. 1160, 122 L. Ed. 2d 517 (1993) (Rejecting the 5th Cir.'s then heightened Pleading Requirements in § 1983 cases alleging municipal liability).

③ A PLAINTIFF CAN STATE (AND GIVE THE MUNICIPALITY NOTICE VIA) "ALLEGATIONS THAT PROVIDE SUCH NOTICE COULD INCLUDE... PAST INCIDENTS OF MISCONDUCT OF OFFICERS, MULTIPLE HARMS THAT OCCURRED TO THE PLAINTIFF HIMSELF, MISCONDUCT THAT OCCURRED IN THE OPEN, THE INVOLVEMENT OF [*32] MULTIPLE OFFICIALS IN THE MISCONDUCT, OR THE SPECIFIC TOPIC OF THE CHALLENGED POLICY OR TRAINING INADEQUACY." ... "FED. CT'S. AND LITIGANTS MUST RELY ON SUMM. JUDGE, AND CONTROL OF DISCOVERY TO WEED OUT UNMERITORIOUS CLAIMS SOONER RATHER THAN LATER." LEATHERMAN, 507 U.S. at 168-69.

(Cited in Reynolds)

the Plaintiff should generally Be given at least one chance to amend the Complaint under Rule 15(a) before dismissing the action w/ Prejudice

Great Plains Trust Co. v. Morgan Stanley
313 F.3d 305, 329 (5th Cir. 2002)

dismissal of claims that were brought against a police department rather than the city after concluding that the police department had no capacity to sue or be sued. 939 F2d at 313.

Reynolds v. City of Poteet, No. SA:12-CV-0112-DAE, 2013 WL 594731, at *10 (W.D. Tex. Feb. 15, 2013) (some citations omitted); see also *Plemons v. Amos*, No. 2:03-CV-421-J, 2006 WL 1710415, at *7 (N.D. Tex. June 22, 2006) ("[T]he general rule [is] that law enforcement agencies are not separate governmental entities that can be sued." (collecting cases)).

Further, the analysis in the *Plemons* decision from this district is particularly on point in the consideration of whether an intergovernmental task force can be sued:

The Court must next address whether an intergovernmental law enforcement unit such as the Task Force [identified earlier in the opinion as an intergovernmental, manpower sharing arrangement between the City of Amarillo and multiple panhandle counties, funded by federal grants and funds from the participating counties] can be sued under [then] Rule 17(b)(1). This court concludes that it cannot. *Brown v. Fifth Judicial Dist. Drug Task Force*, 255 F.3d 475, 476-77 (8th Cir. 2001) (multi-city, multi-county, unincorporated, intergovernmental, multi-jurisdictional drug task force could not be sued because it has no separate legal existence and has not been granted statutory authority to sue or be sued; "authorities more directly on point appear to be uniform in holding that drug task forces similar to the defendant in this case are not separate legal entities subject to suit."); *Hervey v. Estes*, 65 F.3d 74, 791-92 (9th Cir, 1995)

? IS A TASK FORCE A UNINCORPORATED ASSOC.? AS THAT PHRASE IS USED IN F.R.C.V.P. 17(b)? IN LITERAL TERMS: IT IS NOT INCORPORATED, AND IT IS A GROUPING OF GOVERNMENTAL UNITS FOR A COMMON PURPOSE, CERTAINLY WITHIN THE OUTER LIMITS OF THE ORDINARY MEANING OF THE WORD "ASSOCIATION". THIS TASK FORCE VIA 17(b) AS AN UNINCORPORATED ASSOCIATION, MAY SUE OR BE SUED IN ITS COMMON-LAW FOR THE PURPOSE OF ENFORCING... AGAINST IT A SUBSTANTIVE RIGHT EXISTING UNDER THE LAWS OF THE U.S.

* CITE TEX. CODE THAT CREATED THE TASK FORCE, APPENDIX B, (14).

Boom

Perhaps THE ACTION Could be Refiled Re-filed directly AGAINST THE 5 GOVERNMENTAL ENTITIES WHOSE AGREEMENT CREATED THE TASK FORCE. Cited in Brown

WHAT IS FBI - LOCK STEP SURVEILLANCE

BOOM ON BACK

(intergovernmental drug task force was not "person" or entity subject to suit under § 1983).

Plemons, 2006 WL 1710415 at *7.

Another court in this district employed this law to determine that a "Wichita Gang Task Force," to the extent that entity existed . . . is a non-jural entity." *McGrew v. City of Wichita Falls, et al.*, No. 3:14-CV-679-B, 2015 WL 3528236, at * 7 (N.D. Tex. June 4, 2015) (citing *Dillon v. Jefferson Cnty. Sheriff's Dep't.*, 973 F. Supp. 626, 627 (E.D. Tex. 1997); *Plemons*, 2006 WL 1710415 at *6-8); see also *Welch v. Jefferson Cnty. Court*, No. 1:12-CV-330, 2015 WL 66495, at *4 (E.D. Tex. Jan. 5, 2015) ("Federal courts have consistently dismissed § 1983 [claims] against non-legal entities.") (citations omitted).

Likewise in *Dillon*, the court determined that a narcotics task force could not be sued because the intergovernmental agreements did not create a separate legal entity capable of being sued. *Dillon*, 973 F. Supp. at 627-28.

Applying these precedents to review of the John Doe Task Force named as a defendant in this case, the Court determines that it is not a jural entity subject to suit. Thus, Plaintiff's claims against the John Doe Task Force must be dismissed for failure to state a claim upon which relief may be granted under 28 U.S.C. § 1915A (b)(1) and 28 U.S.C. § 1915(e)(2)(B)(ii).

APPENDIX B. (15)

B. Remaining Defendants -- Relief Sought Not Available

As noted above, the only relief sought by Meeks in this case is to have the defendants "disciplined so that they will never illegally do these acts again and manipulate the law enforcement resources as they did here." Compl. § VI page 4, ECF No. 1. This Court, however, does not have authority to disciplining federal defendant employees.

In this regard, other courts have determined that relief in the form of disciplining defendants is not cognizable. In *Fritz v*

"USMS FUGITIVE TASK FORCE"
DEPUTIZED AS: USMS's For Service in the N. Tex. Reg. Fugitive TASK FORCE. ("Fugitive Task Force")

TEX. BILL OF RIGHTS; THE POLICE POWER OF THE STATE IS BROAD AND COMPREHENSIVE; BUT THE CONSTITUTION FORBIDS ITS EXERCISE WHEN THE RESULT WOULD BE THE DESTRUCTION OF THE RIGHTS, GUARANTEES, PRIVILEGES, AND RESTRAINTS EXCEPTED FROM THE POWERS OF GOVERNMENT BY THE BILL OF RIGHTS.

TRAVELERS INSURANCE COMPANY V. MARSHALL 124 TEX. 45, 76 S.W. 2d 1007 (1934)

AS A SUPERVISED RELEASEE:

U.S. v. WESTBURY, 2020 U.S. Dist. lex. 75914:

(New Jersey Dist. Ct.): ON Aug. 29, 2018 Mon. -- U.S. D.J., issued
AN ARREST WARRANT [SURVEILLANCE WARRANT] FOR DEF. FOR VIOLATING
THE TERMS OF HIS SOPV. REL. ... MEMBERS OF THE
U.S. MARSHALS SERVICE'S NY/NJ Reg. Fugitive
Task Force, led by Deputy U.S. Marshal OSCAR
ALVAROZ ("DUSM") executed TWO ARREST WARRANTS

PRIOR TO: DUSM spoke to U.S. P.O. who informed him Subject
had RELAPSED ON DRUGS...

* FED. LAW PROVIDES THAT A STATE OR LOCAL Pol. Off. who is
"ASSIGNED TO A FED. AGENCY" is "DEEMED AN EMPLOYEE OF THE
AGENCY FOR THE PURPOSES OF... THE F.T.C.A. AND ANY OTHER FED.
TORT LIABILITY STATUTE," 5 U.S.C.S. § 3374 (c)(2)

See also, e.g., AIKMAN v. COUNTY OF WESTCHESTER, 691 F. SUPP.
2d 496, 498 (S.D.N.Y. 2010) ("STATE & LOC. LAW ENF. OFF'S DESIGNATED
AS FED. TASK FORCE MEMBERS ARE TREATED AS FED. EMPLOYEES FOR THE
PURPOSES OF ANY FED. TORT LIABILITY STATUTE."); COOK v. DREW,
No. 06-38 - 2007 U.S. Dist. lex. 77769, 2007 WL 3072238 AT *6, 1
("STATE Police deputized AS FED. AGENTS... CONSTITUTE FED. AGENTS
ACTING UNDER FED. LAW.")

* POSSIBLE - LONE STAR FUGITIVE
TASK FORCE

Akosomitas, No. 2:13-3532-RMG. 2015 WL 1346311 (D.S.C. Mar. 23, 2015), the detained plaintiff sued sheriff's department officers related to a burglary charge against him, seeking, in part, for the particular county officials be required to be disciplined. *Id.* at *6-7. The Court held that it "does not have the power or authority to discipline [Officer] Milks and/or the Berkely County Solicitor's Office or to require that he be issued an apology." *Id.* at *6.

Also, in *Body v. Thornton*, No. 12-0344-CG-N, 2013 WL 1915014 (S.D. Ala. April 17, 2013), *rep and rec. adopted*. 2013 WL 1914935 (S.D. Ala. May 17, 2013) the court rejected the claim that officers who allegedly violated Plaintiff's Fourth Amendment and Due Process rights should be subjected to discipline, noting that "plaintiff's request to discipline the defendants fails to state a claim, which subjects his injunctive relief request to dismissal pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii)." *Id.* at *5.

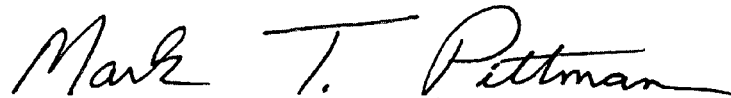
And in *Burton v. Battaglia, et al.*, No. 98 C 3269, 1998 WL 460272 (N.D. Ill. July 30, 1998), an inmate plaintiff suing prison officials sought to, in part, have the three officers "disciplined for making a false disciplinary" charge. *Id.* at *3. The court explained, however, that Plaintiff's request to have the officers disciplined "is simply impossible; a private citizen has no right to have another prosecuted criminally. *Linda R. S. V. Richard D.*, 410 U.S. 614, 619 (1973), and the same reasoning would apply to civil discipline." *Id.*

As Meeks seeks only an order disciplining the defendants, relief that the Court cannot provide, he fails to state a claim upon which relief may be granted. As such, all remaining claims against all defendants must be dismissed under 28 U.S.C. § 1915A(b)(1) and 1915(e)(2)(B)(ii).

CONCLUSION

It is therefore **ORDERED** that all plaintiff James Arthur Meeks's claims for relief as stated in the complaint are **DISMISSED WITH PREJUDICE** under 28 U.S.C. § 1915A(b)(1) and 28 U.S.C. § 1915(e)(2)(B)(ii).

SO ORDERED this 29th day of April 2024.

A handwritten signature in cursive script, reading "Mark T. Pittman", written in black ink.

Mark T. Pittman

UNITED STATES DISTRICT JUDGE

APPENDIX B. (17)