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APPENDIX A:

WEST VIRGINIA DEPARTMENT OF HEALTH
AND HUMAN RESOURCES BOARD OF REVIEW
MICHA AND LYDIA
MORELAND,

Appellants,

vs.

WEST VIRGINIA DEPARTMENT
OF HELATH AND HUMAN
RESOURCES BUREAU FOR
PUBLIC HEALTH,

ACTION NO:
23-BOR-1047

Respondent.

ORDER

The above-styled matter is an appeal of the denial of an immunization exemption request by the Appellants for their child, J.M. On April 5, 2023, J.M. turned 18-years old, and therefore is no longer the minor child of the Appellants. In May 2023, J.M. graduated from Hampshire County High School and is no longer a West Virginia public school student. The underlying immunization requirements for J.M. to attend Hampshire County High School are now moot. Also, the Appellants no longer have standing in this matter as J.M. has reached the age of majority.

Based on the reasons above, it is ORDERED that the Appellants' January 9, 2023 administrative hearing request is DISMISSED.

Entered this 16th day of June 2023. David A. Bishop

David A. Bishop
Administrative Law Judge
Board of Review

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RECOURSE TO ADMINISTRATIVE HEARING
DECISION

A. INTERMEDIATE COURT OF APPEALS

Pursuant to West Virginia Code §51-11-1 et seq., proceedings for judicial review of any final judgments, orders, or decisions of an agency or administrative law judge issued after June 30, 2022, must be instituted by filing an appeal to the Intermediate Court of Appeals as provided in W.Va. Code §29A-5-4, within 30 days after the date upon which such party received notice of the final order or decision of the agency. A copy of the petition shall be served upon the agency and all other parties of record by registered or certified mail. The petition shall state whether the appeal is taken on questions of law or questions of fact, or both. No appeal bond shall be required to affect any such appeal

The costs of preparing the official record shall be assessed as part of the costs of the appeal. The appellant shall provide security for costs satisfactory to the court. Any party unreasonably refusing to stipulate to limit the record may be assessed by the court for the additional costs involved.

Upon demand by any party to the appeal, the agency shall furnish, at cost to the requesting party, a copy of the official record.

B. THE UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES

If you believe you have been discriminated against because of race, color, national origin, age, sex or handicap, write immediately to the Secretary of the

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United States Department of Health and Human
Services, Washington, D.C. 20201.

C. THE UNITED STATES DEPARTMENT OF
AGRICULTURE

If you believe you have been discriminated against
because of race, color, national origin, age, sex or
handicap, write immediately to the Secretary of the
Department of Agriculture, Washington, D.C. 20250.

CERTIFICATE OF SERVICE

I, David A. Bishop, hereby certify that on the 16th
day of June 2023, served copies of the Order to
Dismiss in the matter of MICHA & LYDIA
MORELAND, Action Number 23-BOR-1047 to the
following parties by way of the United States Postal
Service, postage prepaid, and electronic mail.

By U.S. Postal Service

MICHA & LYDIA MORELAND
35 EVERLASTING LANE
AUGUST A, WV 26704

By Electronic Mail

Steven Compton, Deputy Attorney General
Jason Trautwein, Assistant Attorney General

6/16/23

Date

David A. Bishop

Signature

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APPENDIX B:

West Virginia E-Filing Notice

CC-14-2024-C-9

Judge: H. Charles Carl III

To: United States Department of Health
200 Independence Ave. S.W.
Washington, OC 20201

NOTICE OF FILING

IN THE CIRCUIT COURT OF HAMPSHIRE
COUNTY, WEST VIRGINIA Jonathan Moreland
v. West Virginia Dept. of Health David A. Bishop
CC-14-2024-C-9

Notice Date: 2/12/2024 10:16:32 AM

Sonja Embrey
CLERK OF THE CIRCUIT COURT
Hampshire County
50 S High Street
ROMNEY, WV 26757

(304) 822-5022

sonja.embrey@courtswv.gov

APPENDIX C:

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST
VIRGINIA MARTINSBURG

JONATHAN MORELAND,
Plaintiff,

v.

WEST VIRGINIA DEPARTMENT OF HEALTH, STEVEN
COMPTON JASON TRAUTWEIN,
UNITED STATES DEPARTMENT OF HEALTH, and
DR. AYNE AMJAD,

CIVIL ACTION NO.:
3:24-CV-30
(GROH)

Defendants.

ORDER GRANTING THE DEFENDANTS'
MOTIONS TO DISMISS

Now before the Court are the Defendants' motions to dismiss. ECF Nos. 4, 5. On April 15, 2024, the Plaintiff filed what the Court construes as the Plaintiffs response in opposition. ECF No. 9. The Defendants' deadline to submit a reply in support has passed. Accordingly, the matter is fully briefed and ripe for review. For the below reasons, the Defendants' motions are granted.

I. BACKGROUND

The prose Plaintiff, Jonathan Moreland, and his parent, Micah Moreland, initiated this action by filing a complaint in the Circuit Court of Hampshire County, West Virginia. [1]

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¹ The Plaintiff contends he is not proceeding pro se, but is "Sui Juris, ... a living flesh and blood Man standing on the ground, ... representing the Corporate Fiction MICAH MORELAND©." ECF No. 1-2 at 7. courts have repeatedly found no significant in a (party's) designation as proceeding 'sui juris' as opposed to 'pro se.' Dolen-Cartwright ex rel G.C. v. Alexander, 2022 'M... 848088, •5 (M.D. La. Feb. 24, 2022). Additionally, the Plaintiff's ontention appears to be one regularly proffered by "sovereign citizen" groups, "who believe that the state and federal governments lack constitutional legitimacy and therefore have no authority to regulate their behavior." United States v. Ulloa. 511 F. App'x 105, 106 n.1 (2d Cir. 2013). To the extent the Plaintiff attempts to assert any arguments stemming from the "sovereign citizens" ideology, this Court finds they "are completely without merit, patently frivolous, and [they] will be rejected without expending any more of this Court's resources on their discussion." United States v. Jagim, 978 F.2d 1032, 1036 (8th Cir. 1992).

ECF No. 1. The Complaint asserts three claims against the Defendants: (1) assault, (2) a violation of the Sherman Act, and (3) "[breach] of the 5th Amendment." ECF No. 1-2 at 6. The Plaintiff seeks \$30 million in damages. Id. at 15.

On March 6, 2024, Defendant United States Department of Health and Human Services ("HHS") removed the matter to this pursuant to 28 U.S.C. §§ 1346, 1441, 1442, and 1446. ECF No. 1.

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The Defendants filed their respective motions to dismiss on March 13, 2024. ECF Nos. 4, 5. The first was filed by Defendant HHS. ECF No. 4. The second was entered by Defendants West Virginia Department of Health, David Bishop, Steven Compton, Jason Trautwein, and Dr. Ayne Amjad ("the State Defendants"). ECF No. 5. On April 15, 2024, the Plaintiff filed what is stylized as "Reply to Motion to Dismiss," which the Court construes as the Plaintiff's response in opposition to the Defendants' motions to dismiss. ECF No. 9.

II. LEGAL STANDARDS

A complaint must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). Federal Rule of Civil Procedure 12(b)(6) allows a defendant to challenge the complaint's sufficiency in this regard by moving to dismiss a complaint for failing "to state a claim upon which relief can be granted." Fed. R. Civ. P. 12(b)(6). To survive a Rule 12(b)(6) motion, the complaint must allege "enough facts to state a claim to relief that is plausible on its face." Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007). Although the pleading standard under Rule 8 "does not require 'detailed factual allegations,' ... it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation." Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (citing Twombly, 550 U.S. at 555). Thus, "[a] pleading that offers 'labels and conclusions' or 'a formulaic recitation of the elements of a cause of action will not do.' Nor does a complaint suffice if it tenders 'naked assertions' devoid of 'further factual

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enhancements." *Id.* (quoting *Twombly*, 550 U.S. at 555, 557).

When reviewing a Rule 12(b)(6) motion, courts assume the complaint's well-pleaded allegations are true, resolve all doubts and inferences in favor of the plaintiff, and view the allegations in a light most favorable to the plaintiff. *Edwards v. City of Goldsboro*, 178 F.3d 231, 243-44 (4th Cir. 1999). Only factual allegations receive the presumption of truth. *Iqbal*, 556 U.S. at 678-79. A court may also consider facts derived from sources beyond the four corners of the complaint, including documents attached to the complaint, documents attached to the motion to dismiss "so long as they are integral to the complaint and authentic," and facts subject to judicial notice under Federal Rule of Evidence 201. *Philips v. Pitt Cnty. Mem'l Hosp.*, 572 F.3d 176, 180 (4th Cir. 2009).

Pro se complaints are subject to this standard as well. "When reviewing a pro se complaint, federal courts should examine carefully the plaintiff's factual allegations, no matter how inartfully pleaded, to determine whether they could provide a basis for relief." *Armstrong v. Rolm A Siemans Co.*, 129 F.3d 1258, at *1 (4th Cir. 1997) (citing *Gordon v. Leake*, 574 F.2d 1147, 1151 (4th Cir. 1977)). It is also appropriate for federal courts to look beyond the face of the complaint to allegations made in additional materials filed by the pro se plaintiff when determining whether a motion to dismiss should be granted. *Id.*

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III. DISCUSSION

All three of the Plaintiff's claims-(1) assault, (2) a violation of the Sherman Act, and (3) "[breach] of the 5th Amendment" -appear to arise from the State of West Virginia's denial of the Plaintiffs request to be exempted from a school-required vaccine. See ECF No. 1-2 at 7, 31. The Plaintiff sought an exemption "because the vaccine includes aluminum, formaldehyde, and Polysorbate 80; because Jonathan Moreland's father opposes vaccination; and because Jonathan's brother, who is fully vaccinated, developed autism." *Id.* at 19, 30. The Plaintiff avers he "has every right for the physical and unknown future damages for being forced to take vaccination to continue his education." *Id.* at 15.

As noted above, Defendant HHS and the State Defendants both filed a motion to dismiss. ECF Nos. 4, 5. The Court considers both in turn.

A. Defendant HHS's Motion to Dismiss

In relevant part, Defendant HHS, a federal agency, moves to dismiss the claims against it because the Complaint "entirely fails to allege any particular facts against HHS or the federal government." ECF No. 4-1 at 4-5. In Defendant HHS's view, the Plaintiff has squarely challenged West Virginia's application of state law and proffered no fact that alleges or implies any action by the federal government. *Id.* at 5. Thus, Defendant HHS concludes the Plaintiff does not state a claim against it because the Complaint "fails to specify how HHS was involved in the instant dispute, or place HHS [on] notice of such claims." *Id.*

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The Court agrees with Defendant HHS. Even liberally construed, both the Complaint and the Plaintiffs response in opposition lack any allegation or implication that Defendant HHS was involved in denying the Plaintiff's requested vaccine exemption. Indeed, outside of the caption, the Complaint does not refer to Defendant HHS or the federal government at all. Therefore, the Court holds the Plaintiff fails to state a claim against Defendant HHS. Accordingly, Defendant HHS's motion to dismiss [ECF No. 4] is granted.

B. State Defendants' Motion to Dismiss

In relevant part, the State Defendants contend this case should be dismissed because the Plaintiff fails to state any claim upon which relief can be granted. E.g., ECF No. 4-1 at 4-5; ECF No. 5 at 1. In support, the State Defendants argue (1) the "Plaintiffs claims are mere legal conclusions, devoid of factual support"; and (2) "[e]ven if [the] Plaintiff's legal conclusions could be construed as factual allegations, [the] Plaintiff does not state a cognizable claim against" the State Defendants. ECF No. 5-1 at 3, 6. The Plaintiff seemingly disagrees. See generally ECF No. 9.

Upon review and consideration, the Court holds the Plaintiff fails to state a claim upon which relief can be granted. Specifically, the Court finds the Complaint, even liberally construed, lacks sufficient factual allegations and does not present a cognizable claim against the State Defendants. Beginning with the Plaintiffs assault claim, it is insufficient because,

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aside from including "ASSAULT" in a list of counts, the Complaint never references any fact or law relevant to such a claim. As to the Plaintiff's other claims, the Plaintiff merely quotes the Fifth Amendment and Sherman Act and concludes the Defendants violated them without asserting facts in support. Thus, the Complaint offers at most legal conclusions and various, insufficient "the-defendant-unlawfully-harmed-me accusation[s]." *Ashcroft*, 556 U.S. at 678.

Additionally, even assuming the Complaint included factual allegations sufficient to support the Plaintiff's legal conclusions regarding the Fifth Amendment and Sherman Act, those legal conclusions do not amount to cognizable claims against the State Defendants. First, the Fifth Amendment's Due Process Clause only applies to federal actors, so any Fifth Amendment claim asserted against the State Defendants must fail. See *Starbuck v. Williamsburg James City Cnty. Sch. Bd.*, 28 F.4th 529, 537 (4th Cir. 2022).

Second, the Plaintiffs Sherman Act claim fails because he does not establish "the interstate commerce nexus required for Sherman Act coverage." *Wahi v. Charleston Area Med. Ctr.*, 2004 WL 2418316, *6 (S.D. W. Va. Oct. 27, 2004) (quoting *Hosp. Bldg. Co. v. Trs. of Rex Hosp.* .. 425 U.S. 738, 743 (1976)). Specifically, the Complaint does not assert, allege, or imply "the existence of an agreement in the form of a contract, combination, or conspiracy that imposes an unreasonable restraint on trade." *Oksanen v. Page Memorial Hospital*, 945 F.2d 696, 702 (4th Cir. 1991).

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Indeed, the Complaint "does not mention the words 'interstate commerce' . . . [or] describe any nexus between the [Defendants'] alleged [conduct] and interstate commerce." Wahi, 2004 WL 2418316 at *6.

Further, the Supreme Court of the United States established over a century ago "that it is within the police power of a state to provide for compulsory vaccination." Zucht v. King, 260 U.S. 174, 176 (1922) (citing Jacobson v. Massachusetts, 197 U.S. 11 (1905)). Based thereon, the Fourth Circuit has previously held West Virginia "may lawfully require vaccinations as a condition of admission to school." Pavlock v. Perman, 2022 WL 3975177, *5 (D. Md. Sept. 1, 2022) (citing Workman v. Mingo Cnty. Bd. of Educ., 419 F. App'x 348, 354 (4th Cir. 2011)). The Workman court "expressly found that {West Virginia's) vaccination requirement in schools did not violate one's right to free exercise under the First Amendment, did not violate one's right to equal protection under the Fourteenth Amendment, and did not violate one's due process rights under the Fifth and Fourteenth Amendments." Id.

Thus, the Court finds the Complaint lacks sufficient factual allegations and does not present a cognizable claim against the State Defendants. Therefore, the State Defendants' motion to dismiss [ECF No. 5] is granted.

IV. CONCLUSION

For the above reasons, the Plaintiffs Complaint fails to state a claim upon which relief can be granted. Accordingly, the Defendants' motions to dismiss [ECF

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Nos. 4, 5] are GRANTED, and this case is hereby DISMISSED. The Clerk of Court is DIRECTED to STRIKE this case from the Court's active docket. The Clerk is FURTHER DIRECTED to transmit a copy of this Order to (1) all counsel of record herein electronically and (2) the pro se Plaintiff by certified mail, return receipt requested, at his last known address as reflected in the docket sheet. DATED: October 23, 2024

Gina M. Groh

GINA M. GROH

UNITED STATES DISTRICT JUDGE

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Appendix D: _____

No. 24-2179
(3 :24-cv-00030-GMG)

JONATHAN MORELAND,
Plaintiff - Appellant

v.

WEST VIRGINIA DEPARTMENT OF HEALTH,
STEVEN COMPTON JASON TRAUTWEIN,
UNITED STATES DEPARTMENT OF HEALTH,
and
DR. AYNE AMJAD,

Defendants - Appellees

JUDGMENT

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/NWAMAKA ANOWI, CLERK

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FILED: April 28, 2025

UNITED STATES COURT OF APPEALS FOR THE
FOURTH CIRCUIT

No. 24-2179, Jonathan Moreland v. West Virginia
Department of Health 3 :24-cv-00030-
GMG

NOTICE OF JUDGMENT

Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

PETITION FOR WRIT OF CERTIORARI: The time to file a petition for writ of certiorari runs from the date of entry of the judgment sought to be reviewed, and not from the date of issuance of the mandate. If a petition for rehearing is timely filed in the court of appeals, the time to file the petition for writ of certiorari for all parties runs from the date of the denial of the petition for rehearing or, if the petition for rehearing is granted, the subsequent entry of judgment. See Rule 13 of the Rules of the Supreme Court of the United States; www.supremecourt.gov.

VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNED COUNSEL:

Vouchers must be submitted within 60 days of entry of judgment or denial of rehearing, whichever is later. If counsel files a petition for certiorari, the 60-day period runs from filing the certiorari petition. (Loc. R. 46(d)). If payment is being made from CJA funds, counsel should submit the CJA 20 or CJA 30 Voucher through the CJA eVoucher system.

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or an extraordinary circumstance wholly beyond the control of counsel or a party proceeding without counsel.

Each case number to which the petition applies must be listed on the petition and included in the docket entry to identify the cases to which the petition applies. A timely filed petition for rehearing or petition for rehearing en banc stays the mandate and tolls the running of time for filing a petition for writ of certiorari. In consolidated criminal appeals, the filing of a petition for rehearing does not stay the mandate as to co-defendants not joining in the petition for rehearing. In consolidated civil appeals arising from the same civil action, the court's mandate will issue at the same time in all appeals.

appeals.

A petition for rehearing must contain an introduction stating that, in counsel's judgment, one or more of the following situations exist: (1) a material factual or legal matter was overlooked; (2) a change in the law occurred after submission of the case and was overlooked; (3) the opinion conflicts with a decision of the U.S. Supreme Court, this court, or another court of appeals, and the conflict was not addressed; or (4) the case involves one or more questions of exceptional importance. A petition for rehearing, with or without a petition for rehearing en banc, may not exceed 3900 words if prepared by computer and may not exceed 15 pages if handwritten or prepared on a typewriter.

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by computer and may not exceed 15 pages if handwritten or prepared on a typewriter. Copies are not required unless requested by the court. (FRAP 40, Loc. R. 40(c)).

MANDATE: In original proceedings before this court, there is no mandate. Unless the court shortens or extends the time, in all other cases, the mandate issues 7 days after the expiration of the time for filing a petition for rehearing. A timely petition for rehearing, petition for rehearing en banc, or motion to stay the mandate will stay issuance of the mandate. If the petition or motion is denied, the mandate will issue 7 days later. A motion to stay the mandate will ordinarily be denied, unless the motion presents a substantial question or otherwise sets forth good or probable cause for a stay. (FRAP 41, Loc. R. 41).

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USCA4 Appeal: 24-2179 Doc: 8 Filed: 04/28/2025

Pg: 2 of 2

PER CURIAM:

Jonathan Moreland appeals the district court's order dismissing his civil complaint for failure to state a claim. We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order. *Moreland v. W. Va. Dep't of Health*, No. 3:24-cv-00030-GMG (N.D. W. Va. Oct. 23, 2024). 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

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BOARD OF REVIEW**

MICHA & LYDIA MORELAND,

Appellants,

vs.

ACTION NO: 23-BOR-1047

**WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH,**


Respondent.

ORDER

The above-styled matter is an appeal of the denial of an immunization exemption request by the Appellants for their child, J.M. On April 5, 2023, J.M. turned 18-years old, and therefore is no longer the minor child of the Appellants. In May 2023, J.M. graduated from Hampshire County High School and is no longer a West Virginia public school student. The underlying immunization requirements for J.M. to attend Hampshire County High School are now moot. Also, the Appellants no longer have standing in this matter as J.M. has reached the age of majority.

Based on the reasons above, it is ORDERED that the Appellants' January 9, 2023 administrative hearing request is DISMISSED.

Entered this 16th day of June 2023.



David A. Bishop
Administrative Law Judge
Board of Review

RECOURSE TO ADMINISTRATIVE HEARING DECISION

A. INTERMEDIATE COURT OF APPEALS

Pursuant to West Virginia Code §51-11-1 *et seq.*, proceedings for judicial review of any final judgments, orders, or decisions of an agency or administrative law judge issued after June 30, 2022, must be instituted by filing an appeal to the Intermediate Court of Appeals as provided in W.Va. Code §29A-5-4, **within 30 days** after the date upon which such party received notice of the final order or decision of the agency. A copy of the petition shall be served upon the agency and all other parties of record by registered or certified mail. The petition shall state whether the appeal is taken on questions of law or questions of fact, or both. No appeal bond shall be required to affect any such appeal.

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Upon demand by any party to the appeal, the agency shall furnish, at cost to the requesting party, a copy of the official record.

B. THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES

If you believe you have been discriminated against because of race, color, national origin, age, sex or handicap, write immediately to the Secretary of the United States Department of Health and Human Services, Washington, D.C. 20201.

C. THE UNITED STATES DEPARTMENT OF AGRICULTURE

If you believe you have been discriminated against because of race, color, national origin, age, sex or handicap, write immediately to the Secretary of the Department of Agriculture, Washington, D.C. 20250.

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
HEARING REQUEST NOTIFICATION

TO BE COMPLETED BY DEPARTMENT REPRESENTATIVE

Department Representative: **Steve Compton** Appellant Name: **Micha & Lydia Moreland**
County/Home Office: **Kanawaha / AG** Residing County: **Hampshire**
Address: **812 Quarrier Street, 6th Floor** Address: **35 Everlasting Lane**
Charleston, WV 25301 **Augusta, WV 26704**
Phone/Email: **304-558-2131** Phone/Email: **540-539-1566**
Date Department received request: **1/9/23** Case Number: **2022-02**
Programs(s) being appealed: **Immunization Exemption Denial**

Type of Request: Written Verbal

Notification Letter Date: **11/15/22** If not attached, explain:

Are benefits or services continued pending hearing decision: Yes No N/A

Reason for Hearing Request and Principal Issue:

(Example: SNAP denial due to excess income, Maltreatment finding by IIU)

Explain Briefly: **Appealing the denial of their immunization exemption request for their minor child, J.M.**

Applicable Manual Section(s): **W.Va. Code § 64-95-17.4.f; § 64-95-2.4; § 64-95-2.10; § 64-95-16**

Appellant Representative: Self Relative Paralegal Attorney CMA Other

Representative Name:

Representative Phone and Email:

Address:

TO BE COMPLETED BY HEARING OFFICIAL

BOR Action # **23-BOR-1047** BOR Official: **D. Bishop**

Decision: Upheld Reversed Dismissed Abandoned
 Remanded Withdrawn Invalid

Date Hearing Record Complete and Mailed:

June 16, 2023

RECEIVED

01/10/2023

WV/DHHR

IG-BR-29 (Revised and Effective Date: 01/01/2016)

DUPLICATE VERSIONS WILL NOT BE ACCEPTED - DO NOT ALTER THIS FORM

Send with Hearing Request and Notification Letter to: DHHRIGBORE@WV.GOV.

9489 0090 0027 6447 1955 10

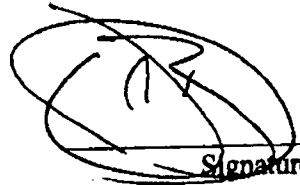
CERTIFICATE OF SERVICE

I, David A. Bishop, hereby certify that on the 16th day of June 2023, served copies of the Order to Dismiss in the matter of MICHA & LYDIA MORELAND, Action Number 23-BOR-1047 to the following parties by way of the United States Postal Service, postage prepaid, and electronic mail.

By U.S. Postal Service
MICHA & LYDIA MORELAND
35 EVERLASTING LANE
AUGUSTA, WV 26704

By Electronic Mail
Steven Compton, Deputy Attorney General
Jason Trautwein, Assistant Attorney General

6/16/23
Date


Signature

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES BOARD
OF REVIEW**

MICHA & LYDIA MORELAND,

Appellant,

v.

ACTION NO.: 23-BOR-1047

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES BUREAU
FOR PUBLIC HEALTH**

Respondent.

MOTION TO DISMISS

The Respondent, West Virginia Department of Health and Human Resources, through counsel, Jason Trautwein, respectfully moves the board to dismiss the above-referenced action that is pending for a hearing scheduled on June 23, 2023. Respondent avers the following in support of the motion.

The above-referenced action concerns a West Virginia public school vaccine exemption for Jonathan Moreland, the son of the above-named appellants. Jonathan Moreland was a high school student at Hampshire County High School in Hampshire County, West Virginia. In September of 2022, appellants filed a request for an exemption from certain compulsory vaccines which are required for students to attend West Virginia public schools. Appellant's request for an exemption was denied by an immunization review officer in September of 2022 and then again denied on review by Dr. Amjad, the former Commissioner and State Health Officer for the Bureau of Public Health, in November of 2022. This hearing follows.

However, Jonathan Moreland turned 18 years old on April 5, 2023 and graduated from Hampshire County High School in May of 2023. Counsel spoke to a representative of Hampshire County High School to confirm this. Jonathan Moreland has ceased being a West Virginia public school student. Consequently, this action is now moot. Under West Virginia law, a case is

considered moot when "the issues presented are no longer 'live'." *State ex rel. West Virginia Secondary School Activities Commission v. Cuomo*, 880 S.E.2d 46, 53 (2022). Since Jonathan Moreland is no longer a student in a West Virginia public school, the above-referenced action regarding his vaccination status to attend West Virginia public schools is no longer a live issue and is moot. Therefore, the above-referenced action should be dismissed.

Respectfully submitted,

West Virginia Department of Health and Human
Resources, Bureau for Public Health
Respondent,

By Counsel,

**PATRICK MORRISEY,
ATTORNEY GENERAL**

s/ Jason Trautwein

Jason R. Trautwein
Assistant Attorney General, W.Va. Bar #14302
812 Quarrier Street, 6th Floor
Charleston, West Virginia 25301
Phone: (304) 558-2131
Fax: (304) 558-1035

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES BOARD
OF REVIEW**

MICHA & LYDIA MORELAND,

Appellant,

v.

ACTION NO.: 23-BOR-1047

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES BUREAU
FOR PUBLIC HEALTH**

Respondent.

CERTIFICATE OF SERVICE

I, Jason Trautwein, Assistant Attorney General, do hereby certify that on June 13, 2023, a true and accurate copy of the foregoing "MOTION TO DISMISS" was served by e-mail on Micah Moreland (reallifemediaservices@gmail.com), appellant in this action.

By Counsel,

**PATRICK MORRISEY,
ATTORNEY GENERAL**

s/ Jason Trautwein

**Jason R. Trautwein
Assistant Attorney General, W.Va. Bar #14302
812 Quarrier Street, 6th Floor
Charleston, West Virginia 25301
Phone: (304) 558-2131
Fax: (304) 558-1035**

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES BOARD
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The above-referenced action concerns a West Virginia public school vaccine exemption for Jonathan Moreland, the son of the above-named appellants. Jonathan Moreland was a high school student at Hampshire County High School in Hampshire County, West Virginia. In September of 2022, appellants filed a request for an exemption from certain compulsory vaccines which are required for students to attend West Virginia public schools. Appellant's request for an exemption was denied by an immunization review officer in September of 2022 and then again denied on review by Dr. Amjad, the former Commissioner and State Health Officer for the Bureau of Public Health, in November of 2022. This hearing follows.

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considered moot when "the issues presented are no longer 'live'." *State ex rel. West Virginia Secondary School Activities Commission v. Cuomo*, 880 S.E.2d 46, 53 (2022). Since Jonathan Moreland is no longer a student in a West Virginia public school, the above-referenced action regarding his vaccination status to attend West Virginia public schools is no longer a live issue and is moot. Therefore, the above-referenced action should be dismissed.

Respectfully submitted,

West Virginia Department of Health and Human
Resources, Bureau for Public Health
Respondent,

By Counsel,

**PATRICK MORRISEY,
ATTORNEY GENERAL**

s/ Jason Trautwein

Jason R. Trautwein
Assistant Attorney General, W.Va. Bar #14302
812 Quarrier Street, 6th Floor
Charleston, West Virginia 25301
Phone: (304) 558-2131
Fax: (304) 558-1035

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES BOARD
OF REVIEW**

MICHA & LYDIA MORELAND,

Appellant,

v.

ACTION NO.: 23-BOR-1047

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES BUREAU
FOR PUBLIC HEALTH**

Respondent.

CERTIFICATE OF SERVICE

I, Jason Trautwein, Assistant Attorney General, do hereby certify that on June 13, 2023, a true and accurate copy of the foregoing "MOTION TO DISMISS" was served by e-mail on Micah Moreland (reallifemediaservices@gmail.com), appellant in this action.

By Counsel,

**PATRICK MORRISEY,
ATTORNEY GENERAL**

s/ Jason Trautwein

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v.

ACTION NO.: 23-BOR-1047

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FOR PUBLIC HEALTH**

Respondent.

MOTION TO DISMISS

The Respondent, West Virginia Department of Health and Human Resources, through counsel, Jason Trautwein, respectfully moves the board to dismiss the above-referenced action that is pending for a hearing scheduled on June 23, 2023. Respondent avers the following in support of the motion.

The above-referenced action concerns a West Virginia public school vaccine exemption for Jonathan Moreland, the son of the above-named appellants. Jonathan Moreland was a high school student at Hampshire County High School in Hampshire County, West Virginia. In September of 2022, appellants filed a request for an exemption from certain compulsory vaccines which are required for students to attend West Virginia public schools. Appellant's request for an exemption was denied by an immunization review officer in September of 2022 and then again denied on review by Dr. Amjad, the former Commissioner and State Health Officer for the Bureau of Public Health, in November of 2022. This hearing follows.

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By Counsel,

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ATTORNEY GENERAL**

s/ Jason Trautwein

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Respectfully submitted,

West Virginia Department of Health and Human
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

JONATHAN MORELAND,

Plaintiff,

v.

CIVIL ACTION NO.: 3:24-CV-30
(GROH)

WEST VIRGINIA DEPARTMENT
OF HEALTH, STEVEN COMPTON
JASON TRAUTWEIN, UNITED STATES
DEPARTMENT OF HEALTH, and
DR. AYNE AMJAD,

Defendants.

ORDER GRANTING THE DEFENDANTS' MOTIONS TO DISMISS

Now before the Court are the Defendants' motions to dismiss. ECF Nos. 4, 5. On April 15, 2024, the Plaintiff filed what the Court construes as the Plaintiff's response in opposition. ECF No. 9. The Defendants' deadline to submit a reply in support has passed. Accordingly, the matter is fully briefed and ripe for review. For the below reasons, the Defendants' motions are granted.

I. BACKGROUND

The *pro se* Plaintiff, Jonathan Moreland, and his parent, Micah Moreland, initiated this action by filing a complaint in the Circuit Court of Hampshire County, West Virginia.¹

¹ The Plaintiff contends he is not proceeding *pro se*, but is "Sui Juris, . . . a Living flesh and blood Man standing on the ground, . . . representing the Corporate Fiction MICAH MORELAND®." ECF No. 1-2 at 7. "Courts have repeatedly found no significant in a [party's] designation as proceeding 'sui juris' as opposed to 'pro se.'" *Dolen-Cartwright ex rel. G.C. v. Alexander*, 2022 WL 848088, *5 (M.D. La. Feb. 24, 2022). Additionally, the Plaintiff's contention appears to be one regularly proffered by "sovereign citizen" groups, "who believe that the state and federal governments lack constitutional legitimacy and therefore have no authority to regulate their behavior." *United States v. Ulloa*, 511 F. App'x 105, 106 n.1 (2d Cir. 2013). To the extent the Plaintiff attempts to assert any arguments stemming from the "sovereign citizens" ideology,

ECF No. 1. The Complaint asserts three claims against the Defendants: (1) assault, (2) a violation of the Sherman Act, and (3) “[breach] of the 5th Amendment.” ECF No. 1-2 at 6. The Plaintiff seeks \$30 million in damages. *Id.* at 15.

On March 6, 2024, Defendant United States Department of Health and Human Services (“HHS”) removed the matter to this pursuant to 28 U.S.C. §§ 1346, 1441, 1442, and 1446. ECF No. 1. The Defendants filed their respective motions to dismiss on March 13, 2024. ECF Nos. 4, 5. The first was filed by Defendant HHS. ECF No. 4. The second was entered by Defendants West Virginia Department of Health, David Bishop, Steven Compton, Jason Trautwein, and Dr. Ayne Amjad (“the State Defendants”). ECF No. 5. On April 15, 2024, the Plaintiff filed what is stylized as “Reply to Motion to Dismiss,” which the Court construes as the Plaintiff’s response in opposition to the Defendants’ motions to dismiss. ECF No. 9.

II. LEGAL STANDARDS

A complaint must contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Federal Rule of Civil Procedure 12(b)(6) allows a defendant to challenge the complaint’s sufficiency in this regard by moving to dismiss a complaint for failing “to state a claim upon which relief can be granted.” Fed. R. Civ. P. 12(b)(6). To survive a Rule 12(b)(6) motion, the complaint must allege “enough facts to state a claim to relief that is plausible on its face.” Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007). Although the pleading standard under Rule 8 “does not require ‘detailed factual allegations,’ . . . it demands more than an unadorned,

this Court finds they “are completely without merit, patently frivolous, and [they] will be rejected without expending any more of this Court’s resources on their discussion.” United States v. Jagim, 978 F.2d 1032, 1036 (8th Cir. 1992).

the-defendant-unlawfully-harmed-me accusation.” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (citing Twombly, 550 U.S. at 555). Thus, “[a] pleading that offers ‘labels and conclusions’ or ‘a formulaic recitation of the elements of a cause of action will not do.’ Nor does a complaint suffice if it tenders ‘naked assertions’ devoid of ‘further factual enhancements.’” Id. (quoting Twombly, 550 U.S. at 555, 557).

When reviewing a Rule 12(b)(6) motion, courts assume the complaint’s well-pleaded allegations are true, resolve all doubts and inferences in favor of the plaintiff, and view the allegations in a light most favorable to the plaintiff. Edwards v. City of Goldsboro, 178 F.3d 231, 243–44 (4th Cir. 1999). Only factual allegations receive the presumption of truth. Iqbal, 556 U.S. at 678–79. A court may also consider facts derived from sources beyond the four corners of the complaint, including documents attached to the complaint, documents attached to the motion to dismiss “so long as they are integral to the complaint and authentic,” and facts subject to judicial notice under Federal Rule of Evidence 201. Philips v. Pitt Cnty. Mem’l Hosp., 572 F.3d 176, 180 (4th Cir. 2009).

Pro se complaints are subject to this standard as well. “When reviewing a *pro se* complaint, federal courts should examine carefully the plaintiff’s factual allegations, no matter how inartfully pleaded, to determine whether they could provide a basis for relief.” Armstrong v. Rolm A. Siemans Co., 129 F.3d 1258, at *1 (4th Cir. 1997) (citing Gordon v. Leake, 574 F.2d 1147, 1151 (4th Cir. 1977)). It is also appropriate for federal courts to look beyond the face of the complaint to allegations made in additional materials filed by the *pro se* plaintiff when determining whether a motion to dismiss should be granted. Id.

III. DISCUSSION

All three of the Plaintiff's claims—(1) assault, (2) a violation of the Sherman Act, and (3) “[breach] of the 5th Amendment”—appear to arise from the State of West Virginia's denial of the Plaintiff's request to be exempted from a school-required vaccine. See ECF No. 1-2 at 7, 31. The Plaintiff sought an exemption “because the vaccine includes aluminum, formaldehyde, and Polysorbate 80; because Jonathan Moreland's father opposes vaccination; and because Jonathan's brother, who is fully vaccinated, developed autism.” Id. at 19, 30. The Plaintiff avers he “has every right for the physical and unknown future damages for being forced to take vaccination to continue his education.” Id. at 15.

As noted above, Defendant HHS and the State Defendants both filed a motion to dismiss. ECF Nos. 4, 5. The Court considers both in turn.

A. Defendant HHS's Motion to Dismiss

In relevant part, Defendant HHS, a federal agency, moves to dismiss the claims against it because the Complaint “entirely fails to allege any particular facts against HHS or the federal government.” ECF No. 4-1 at 4–5. In Defendant HHS's view, the Plaintiff has squarely challenged West Virginia's application of state law and proffered no fact that alleges or implies any action by the federal government. Id. at 5. Thus, Defendant HHS concludes the Plaintiff does not state a claim against it because the Complaint “fails to specify how HHS was involved in the instant dispute, or place HHS [on] notice of such claims.” Id.

The Court agrees with Defendant HHS. Even liberally construed, both the Complaint and the Plaintiff's response in opposition lack any allegation or implication that

Defendant HHS was involved in denying the Plaintiff's requested vaccine exemption. Indeed, outside of the caption, the Complaint does not refer to Defendant HHS or the federal government at all. Therefore, the Court holds the Plaintiff fails to state a claim against Defendant HHS. Accordingly, Defendant HHS's motion to dismiss [ECF No. 4] is granted.

B. State Defendants' Motion to Dismiss

In relevant part, the State Defendants contend this case should be dismissed because the Plaintiff fails to state any claim upon which relief can be granted. E.g., ECF No. 4-1 at 4-5; ECF No. 5 at 1. In support, the State Defendants argue (1) the "Plaintiff's claims are mere legal conclusions, devoid of factual support"; and (2) "[e]ven if [the] Plaintiff's legal conclusions could be construed as factual allegations, [the] Plaintiff does not state a cognizable claim against" the State Defendants. ECF No. 5-1 at 3, 6. The Plaintiff seemingly disagrees. See generally ECF No. 9.

Upon review and consideration, the Court holds the Plaintiff fails to state a claim upon which relief can be granted. Specifically, the Court finds the Complaint, even liberally construed, lacks sufficient factual allegations and does not present a cognizable claim against the State Defendants.

Beginning with the Plaintiff's assault claim, it is insufficient because, aside from including "ASSAULT" in a list of counts, the Complaint never references any fact or law relevant to such a claim. As to the Plaintiff's other claims, the Plaintiff merely quotes the Fifth Amendment and Sherman Act and concludes the Defendants violated them without asserting facts in support. Thus, the Complaint offers—at most—legal conclusions

and various, insufficient "the-defendant-unlawfully-harmed-me accusation[s]." Ashcroft, 556 U.S. at 678.

Additionally, even assuming the Complaint included factual allegations sufficient to support the Plaintiff's legal conclusions regarding the Fifth Amendment and Sherman Act, those legal conclusions do not amount to cognizable claims against the State Defendants. First, the Fifth Amendment's Due Process Clause only applies to federal actors, so any Fifth Amendment claim asserted against the State Defendants must fail. See Starbuck v. Williamsburg James City Cnty. Sch. Bd., 28 F.4th 529, 537 (4th Cir. 2022).

Second, the Plaintiff's Sherman Act claim fails because he does not establish "the interstate commerce nexus required for Sherman Act coverage." Wahi v. Charleston Area Med. Ctr., 2004 WL 2418316, *6 (S.D. W. Va. Oct. 27, 2004) (quoting Hosp. Bldg. Co. v. Trs. of Rex Hosp., 425 U.S. 738, 743 (1976)). Specifically, the Complaint does not assert, allege, or imply "the existence of an agreement in the form of a contract, combination, or conspiracy that imposes an unreasonable restraint on trade." Oksanen v. Page Memorial Hospital, 945 F.2d 696, 702 (4th Cir. 1991). Indeed, the Complaint "does not mention the words 'interstate commerce' . . . [or] describe any nexus between the [Defendants] alleged [conduct] and interstate commerce." Wahi, 2004 WL 2418316 at *6.

Further, the Supreme Court of the United States established over a century ago "that it is within the police power of a state to provide for compulsory vaccination." Zucht v. King, 260 U.S. 174, 176 (1922) (citing Jacobson v. Massachusetts, 197 U.S. 11 (1905)). Based thereon, the Fourth Circuit has previously held West Virginia "may lawfully require vaccinations as a condition of admission to school." Pavlock v. Perman, 2022 WL

3975177, *5 (D. Md. Sept. 1, 2022) (citing Workman v. Mingo Cnty. Bd. of Educ., 419 F. App'x 348, 354 (4th Cir. 2011)). The Workman court "expressly found that [West Virginia's] vaccination requirement in schools did not violate one's right to free exercise under the First Amendment, did not violate one's right to equal protection under the Fourteenth Amendment, and did not violate one's due process rights under the Fifth and Fourteenth Amendments." Id.

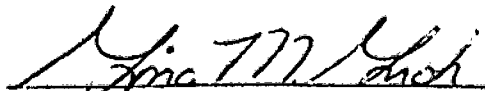
Thus, the Court finds the Complaint lacks sufficient factual allegations and does not present a cognizable claim against the State Defendants. Therefore, the State Defendants' motion to dismiss [ECF No. 5] is granted.

IV. CONCLUSION

For the above reasons, the Plaintiff's Complaint fails to state a claim upon which relief can be granted. Accordingly, the Defendants' motions to dismiss [ECF Nos. 4, 5] are **GRANTED**, and this case is hereby **DISMISSED**. The Clerk of Court is **DIRECTED** to **STRIKE** this case from the Court's active docket.

The Clerk is **FURTHER DIRECTED** to transmit a copy of this Order to (1) all counsel of record herein electronically and (2) the *pro se* Plaintiff by certified mail, return receipt requested, at his last known address as reflected in the docket sheet.

DATED: October 23, 2024


GINA M. GROH
UNITED STATES DISTRICT JUDGE

FILED: June 20, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-2179
(3:24-cv-00030-GMG)

JONATHAN MORELAND

Plaintiff - Appellant

v.

WEST VIRGINIA DEPARTMENT OF HEALTH; STEVEN COMPTON;
JASON ROBERT TRAUTWEIN; UNITED STATES DEPARTMENT OF
HEALTH & HUMAN SERVICES; AYNE AMJAD

Defendants - Appellees

M A N D A T E

The judgment of this court, entered April 28, 2025, 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

FILED: April 28, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-2179
(3:24-cv-00030-GMG)

JONATHAN MORELAND

Plaintiff - Appellant

v.

WEST VIRGINIA DEPARTMENT OF HEALTH; STEVEN COMPTON;
JASON ROBERT TRAUTWEIN; UNITED STATES DEPARTMENT OF
HEALTH & HUMAN SERVICES; AYNE AMJAD

Defendants - Appellees

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/ NWAMAKA ANOWI, CLERK

FILED: April 28, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-2179,

Jonathan Moreland v. West Virginia Department of Health
3:24-cv-00030-GMG

NOTICE OF JUDGMENT

Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

PETITION FOR WRIT OF CERTIORARI: The time to file a petition for writ of certiorari runs from the date of entry of the judgment sought to be reviewed, and not from the date of issuance of the mandate. If a petition for rehearing is timely filed in the court of appeals, the time to file the petition for writ of certiorari for all parties runs from the date of the denial of the petition for rehearing or, if the petition for rehearing is granted, the subsequent entry of judgment. See Rule 13 of the Rules of the Supreme Court of the United States; www.supremecourt.gov.

VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNED COUNSEL:

Vouchers must be submitted within 60 days of entry of judgment or denial of rehearing, whichever is later. If counsel files a petition for certiorari, the 60-day period runs from filing the certiorari petition. (Loc. R. 46(d)). If payment is being made from CJA funds, counsel should submit the CJA 20 or CJA 30 Voucher through the CJA eVoucher system. In cases not covered by the Criminal Justice Act, counsel should submit the Assigned Counsel Voucher to the clerk's office for payment from the Attorney Admission Fund. An Assigned Counsel Voucher will be sent to counsel shortly after entry of judgment. Forms and instructions are also available on the court's web site, www.ca4.uscourts.gov, or from the clerk's office.

BILL OF COSTS: A party to whom costs are allowable, who desires taxation of costs, shall file a Bill of Costs within 14 calendar days of entry of judgment. (FRAP 39, Loc. R. 39(b)).

PETITION FOR REHEARING AND PETITION FOR REHEARING EN

BANC: A petition for rehearing must be filed within 14 calendar days after entry of judgment, except that in civil cases in which the United States or its officer or agency is a party, the petition must be filed within 45 days after entry of judgment. A petition for rehearing en banc must be filed within the same time limits and in the same document as the petition for rehearing and must be clearly identified in the title. The only grounds for an extension of time to file a petition for rehearing are the death or serious illness of counsel or a family member (or of a party or family member in pro se cases) or an extraordinary circumstance wholly beyond the control of counsel or a party proceeding without counsel.

Each case number to which the petition applies must be listed on the petition and included in the docket entry to identify the cases to which the petition applies. A timely filed petition for rehearing or petition for rehearing en banc stays the mandate and tolls the running of time for filing a petition for writ of certiorari. In consolidated criminal appeals, the filing of a petition for rehearing does not stay the mandate as to co-defendants not joining in the petition for rehearing. In consolidated civil appeals arising from the same civil action, the court's mandate will issue at the same time in all appeals.

A petition for rehearing must contain an introduction stating that, in counsel's judgment, one or more of the following situations exist: (1) a material factual or legal matter was overlooked; (2) a change in the law occurred after submission of the case and was overlooked; (3) the opinion conflicts with a decision of the U.S. Supreme Court, this court, or another court of appeals, and the conflict was not addressed; or (4) the case involves one or more questions of exceptional importance. A petition for rehearing, with or without a petition for rehearing en banc, may not exceed 3900 words if prepared by computer and may not exceed 15 pages if handwritten or prepared on a typewriter. Copies are not required unless requested by the court. (FRAP 40, Loc. R. 40(c)).

MANDATE: In original proceedings before this court, there is no mandate. Unless the court shortens or extends the time, in all other cases, the mandate issues 7 days after the expiration of the time for filing a petition for rehearing. A timely petition for rehearing, petition for rehearing en banc, or motion to stay the mandate will stay issuance of the mandate. If the petition or motion is denied, the mandate will issue 7 days later. A motion to stay the mandate will ordinarily be denied, unless the motion presents a substantial question or otherwise sets forth good or probable cause for a stay. (FRAP 41, Loc. R. 41).

U.S. COURT OF APPEAL FOR THE FOURTH CIRCUIT BILL OF COSTS FORM
(Civil Cases)

Directions: Under FRAP 39(a), the costs of appeal in a civil action are generally taxed against appellant if a judgment is affirmed or the appeal is dismissed. Costs are generally taxed against appellee if a judgment is reversed. If a judgment is affirmed in part, reversed in part, modified, or vacated, costs are taxed as the court orders. A party who wants costs taxed must, within 14 days after entry of judgment, file an itemized and verified bill of costs, as follows:

- Itemize any fee paid for docketing the appeal. The fee for docketing a case in the court of appeals is \$600 (effective 12/1/2023). The \$5 fee for filing a notice of appeal is recoverable as a cost in the district court.
- Itemize the costs (not to exceed \$.15 per page) for copying the necessary number of formal briefs and appendices. (The court typically orders 4 copies when tentatively calendared; 0 copies for service unless brief/appendix is sealed.) The court bases the cost award on the page count of the electronic brief/appendix. Costs for briefs filed under an informal briefing order are not recoverable.
- Cite the statutory authority for an award of costs if costs are sought for or against the United States. See 28 U.S.C. § 2412 (limiting costs to civil actions); 28 U.S.C. § 1915(f)(1) (prohibiting award of costs against the United States in cases proceeding without prepayment of fees).

Any objections to the bill of costs must be filed within 14 days of service of the bill of costs. Costs are paid directly to the prevailing party or counsel, not to the clerk's office.

Case Number & Caption: _____

Prevailing Party Requesting Taxation of Costs: _____

Appellate Docketing Fee (prevailing appellants):			Amount Requested: _____			Amount Allowed: _____	
Document	No. of Pages		No. of Copies		Page Cost (≤\$.15)	Total Cost	
	Requested	Allowed (court use only)	Requested	Allowed (court use only)		Requested	Allowed (court use only)
TOTAL BILL OF COSTS:						\$0.00	\$0.00

1. If copying was done commercially, I have attached itemized bills. If copying was done in-house, I certify that my standard billing amount is not less than \$.15 per copy or, if less, I have reduced the amount charged to the lesser rate.
2. If costs are sought for or against the United States, I further certify that 28 U.S.C. § 2412 permits an award of costs.
3. I declare under penalty of perjury that these costs are true and correct and were necessarily incurred in this action.

Signature: _____ Date: _____

Certificate of Service

I certify that on this date I served this document as follows:

Signature: _____ Date: _____

UNPUBLISHED

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

No. 24-2179

JONATHAN MORELAND,

Plaintiff - Appellant,

v.

WEST VIRGINIA DEPARTMENT OF HEALTH; STEVEN COMPTON; JASON
ROBERT TRAUTWEIN; UNITED STATES DEPARTMENT OF HEALTH &
HUMAN SERVICES; AYNE AMJAD,

Defendants - Appellees.

Appeal from the United States District Court for the Northern District of West Virginia, at
Martinsburg. Gina M. Groh, District Judge. (3:24-cv-00030-GMG)

Submitted: April 24, 2025

Decided: April 28, 2025

Before RICHARDSON and BENJAMIN, Circuit Judges, and TRAXLER, Senior Circuit
Judge.

Affirmed by unpublished per curiam opinion.

Jonathan Moreland, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jonathan Moreland appeals the district court's order dismissing his civil complaint for failure to state a claim. We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order. *Moreland v. W. Va. Dep't of Health*, No. 3:24-cv-00030-GMG (N.D. W. Va. Oct. 23, 2024). 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

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-2179

JONATHAN MORELAND,

Plaintiff - Appellant,

v.

WEST VIRGINIA DEPARTMENT OF HEALTH; STEVEN COMPTON; JASON
ROBERT TRAUTWEIN; UNITED STATES DEPARTMENT OF HEALTH &
HUMAN SERVICES; AYNE AMJAD,

Defendants - Appellees.

Appeal from the United States District Court for the Northern District of West Virginia, at
Martinsburg. Gina M. Groh, District Judge. (3:24-cv-00030-GMG)

Submitted: April 24, 2025

Decided: April 28, 2025

Before RICHARDSON and BENJAMIN, Circuit Judges, and TRAXLER, Senior Circuit
Judge.

Affirmed by unpublished per curiam opinion.

Jonathan Moreland, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jonathan Moreland appeals the district court's order dismissing his civil complaint for failure to state a claim. We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order. *Moreland v. W. Va. Dep't of Health*, No. 3:24-cv-00030-GMG (N.D. W. Va. Oct. 23, 2024). 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