No. _____

In the Supreme Court of the United States

HAROLD JEAN-BAPTISTE,
Petitioner,

v.

DEPARTMENT OF JUSTICE, ET AL.,
Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

APPENDIX

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Fourth day of August, MMXXV

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APPENDIX

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Appendix E

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Appendix A
[Filed: May 16, 2025]

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-10218

Non-Argument Calendar

HAROLD JEAN-BAPTISTE,

Plaintiff-Appellant,

versus

UNITED STATES DEPARTMENT OF JUSTICE,
ATTORNEY GENERAL OF THE UNITED STATES,
FEDERAL BUREAU OF INVESTIGATIONS,
DIRECTOR, FEDERAL BUREAU OF
INVESTIGATION,
CIVIL PROCESS CLERK FOR THE U.S.
ATTORNEY'S,
OFFICE FOR THE SOUTHERN DISTRICT OF
FLORIDA,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:24-cv-24646-RAR

Before LUCK, LAGOA, and KIDD, Circuit Judges.

PER CURIAM:

Harold Jean-Baptiste, proceeding *pro se*, appeals the denial of his motion for leave to file a proposed complaint, in which he alleged various statutory and constitutional violations based on his allegations that the federal government has conspired to injure or kill him.[1] On appeal, he argues that the district court improperly dismissed his case based on judicial bias, denied his First Amendment right to petition the government for a redress of grievances, and inaccurately applied the law.

A district court's exercise of its inherent powers is reviewed for abuse of discretion. *Pedraza v. United Guar. Corp.*, 313 F.3d 1323,1328 (11th Cir. 2002). "Discretion means the district court has a 'range of choice, and that its decision will not be disturbed as long as it stays within that range and is not influenced by any mistake of law.'" *Betty K*

---

[1] Pursuant to an order entered in a prior case deeming Jean-Baptiste a vexatious litigant under 28 U.S.C. § 1651(a), Jean-Baptiste was required to obtain written approval from a magistrate judge prior to filing any new *pro se* cases in the Southern District of Florida alleging that the government conspired to monitor, surveil, or harm him.

Agencies, LTD v. M/V Monada, 432 F.3d 1333, 1337 (11th Cir. 2005) (quoting *Guideone Elite Ins. Co. v. Old Cutler Presbyterian Church, Inc.*, 420 F.3d 1317, 1324 (11th Cir. 2005)).

Our precedent allows a district court to dismiss under its inherent powers an action that is "so patently lacking in merit as to be frivolous" when the party that brought the case has been given notice and an opportunity to respond. *Jefferson Fourteenth Assocs. v. Wometco de Puerto Rico, Inc.*, 695 F.2d 524, 526 & n.3 (11th Cir. 1983). "An exception to this requirement exists, however, when amending the complaint would be futile, or when the complaint is patently frivolous." *Surtain v. Hamlin Terrace Found.*, 789 F.3d 1239, 1248 (11th Cir. 2015).

"A claim is frivolous if it is without arguable merit either in law or fact." *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001). Frivolous claims include claims describing "fantastic or delusional scenarios." *Id.* (citing *Neitzke v. Williams*, 490 U.S. 319 (1989)) (defining frivolity in the context of *in forma pauperis* proceedings). We review frivolity determinations for abuse of discretion because they are "best left to the district court." *Id.* A court need not presume that facts alleged in the complaint are true if they are "farfetched or baseless, or both." *Cofield v. Ala. Pub. Serv. Comm'n*, 936 F.2d 512, 515 (11th Cir. 1991). A court may also consider "a litigant's history of bringing unmeritorious litigation" when determining frivolousness. *Bilal*, 251 F.3d at 1350.

Pro se pleadings are held to a more lenient standard than counseled pleadings and are, therefore, liberally construed. *Tannenbaum v. United States*, 148 F.3d 1262, 1263 (11th Cir. 1998). But that

leniency does not give a court license to serve as de facto counsel for a party or to rewrite an otherwise deficient pleading in order to sustain an action. *See Bilal v. Geo Care, LLC*, 981 F.3d 903, 911 (11th Cir. 2020) (citing *GJR Invs., Inc. v. Cnty. of Escambia*, 132 F.3d 1359, 1369 (11th Cir. 1998)). That is, *pro se* pleadings must still contain some factual basis for their claims. *Jones v. Fla. Parole Comm'n*, 787 F.3d 1105, 1107 (11th Cir. 2015).

In civil cases, we generally will not consider an issue not raised in the district court. *Burch v. P.J. Cheese, Inc.*, 861 F.3d 1338, 1352 (11th Cir. 2017). To preserve a claim or argument, a party must first "clearly present" it to the district court in a manner that gives the court an opportunity to recognize and rule on it. *Gennusa v. Canova*, 748 F.3d 1103, 1116 (11th Cir. 2014).

Ordinarily, we review a judge's decision not to recuse himself for bias for an abuse of discretion. *United States v. Berger*, 375 F.3d 1223, 1227 (11th Cir. 2004). Where a party fails to move for recusal of the district judge in the proceedings below, however, we review for plain error. *Id.* Under the plain-error standard, an appellant must show that there was (1) an error, (2) that was plain, and (3) the error affected his substantial rights. *Higgs v. Costa Crociere S.p.A. Co.*, 969 F.3d 1295, 1307 (11th Cir. 2020).

Here, the district court did not abuse its discretion by dismissing Jean-Baptiste's proposed amended complaint as patently frivolous because the proposed complaint contained far-fetched and baseless allegations that an unknown Federal Bureau of Investigation agent worked with various entities to conspire to murder him through the

ingestion of toxic substances. Not only is a district court best suited to determine frivolity, *see Bilal*, 251 F.3d at 1349, but 28 U.S.C. § 1915 "accords judges . . . the unusual power to pierce the veil of the complaint's factual allegations and [to] dismiss those claims whose factual contentions are clearly baseless," *Neitzke*, 490 U.S. at 327. We agree with the district court that Jean-Baptiste's allegations are detached from reality and clearly baseless.

As to his arguments related to judicial bias, Jean-Baptiste is not entitled to relief. To the extent he believes the district judge should have been disqualified, he failed to preserve the issue by failing to move for recusal below, so we review the district court's decision not to recuse itself for plain error. *Berger*, 375 F.3d at 1227. On appeal, Jean-Baptiste has not identified any bias "stem[ming] from extrajudicial sources" that would be sufficient to disqualify a judge from a case. *Hamm*, 708 F.2d at 651. As the Supreme Court has explained: "[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion. In and of themselves[,] . . . they cannot possibly show reliance upon an extrajudicial source; and can only in the rarest circumstances evidence the degree of favoritism or antagonism required . . . when no extrajudicial source is involved." *Liteky v. United States*, 510 U.S. 540, 555 (1994) (citation omitted); *see also Hamm*, 708 F.2d at 651 ("Neither a trial judge's comments on lack of evidence, rulings adverse to a party, nor friction between the court and counsel constitute pervasive bias."). Given that Jean-Baptiste premises his assertion of bias on the district court's "ruling in favor of the Appellee," he has not

come close to establishing judicial bias here. Therefore, we conclude that the district court did not err, much less plainly err, when it dismissed this case with prejudice.

AFFIRMED.

Appendix B
[Filed: July 7, 2025]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-10218

HAROLD JEAN-BAPTISTE,

Plaintiff-Appellant,

versus

UNITED STATES DEPARTMENT OF JUSTICE,
ATTORNEY GENERAL OF THE UNITED STATES,
FEDERAL BUREAU OF INVESTIGATIONS,
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION,
CIVIL PROCESS CLERK FOR THE U.S. ATTORNEY'S,
OFFICE FOR THE SOUTHERN DISTRICT OF FLORIDA,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida

D.C. Docket No. 1:24-cv-24646-RAR

ON PETITIONS FOR REHEARING AND FOR REHEARING EN BANC

Before LUCK, LAGOA, and KIDD, Circuit Judges.

PER CURIAM:

The Petition for Rehearing En Banc is DENIED, no judge in regular active service on the Court having requested that the Court be polled on rehearing en banc. FRAP 40. The Petition for Rehearing En Banc is also treated as a Petition for Rehearing before the panel and is DENIED. FRAP 40; 11th Cir. IOP 2.

Appendix C
[Filed: July 15, 2025]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-10218

HAROLD JEAN-BAPTISTE,

Plaintiff-Appellant,

versus

UNITED STATES DEPARTMENT OF JUSTICE,
ATTORNEY GENERAL OF THE UNITED STATES,
FEDERAL BUREAU OF INVESTIGATIONS,
DIRECTOR, FEDERAL BUREAU OF
INVESTIGATION,
CIVIL PROCESS CLERK FOR THE U.S.
ATTORNEY'S,
OFFICE FOR THE SOUTHERN DISTRICT OF
FLORIDA,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida

D.C. Docket No. 1:24-cv-24646-RAR

JUDGMENT

It is hereby ordered, adjudged, and decreed that the opinion issued on this date in this appeal is entered as the judgment of this Court.

Entered: May 16, 2025
For the Court: DAVID J. SMITH,
Clerk of Court

ISSUED AS MANDATE: July 15, 2025

Appendix D
[Filed: January 14, 2025]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case Number: 24-CV-24646-RAR

HAROLD JEAN-BAPTISTE,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF JUSTICE, *et al.*,

Defendants.
_____/

ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court on United States Magistrate Judge Lauren F. Louis's Report and Recommendation ("Report") [ECF No. 11], on Plaintiff's Motion for Leave to File Petition ("Motion"), [ECF No. 3]. Plaintiff filed the Motion given that "[t]his Court has held that Plaintiff is a vexatious litigant and [ ] has enjoined him from filing any new *pro se* document in the Southern District of Florida against the United States, its agencies, or its agencies' employees alleging that the government conspired to monitor, surveil, or harm Plaintiff,

physically or otherwise, without first obtaining the prior written approval of the Magistrate Judge." Order Referring Motion, [ECF No. 4] at 1 (citing *Jean-Baptiste v. United States Dep't of Just.*, No. 23-22531, 2023 WL 9013864, at *6 (S.D. Fla. Nov. 30, 2023)). After careful review, Magistrate Judge Louis recommends that the Court deny the Motion because "Plaintiff's allegations are detached from reality, patently without merit, and therefore frivolous." Report at 4. Plaintiff timely filed objections to the Report, [ECF No. 12].

When a magistrate judge's "disposition" has been properly objected to, district courts must review the disposition *de novo*. FED. R. CIV. P. 72(b)(3). Because Plaintiff timely filed objections to the Report, the Court has conducted a *de novo* review of Magistrate Judge Louis's legal and factual findings to which Plaintiff objected. Upon careful review of the record, the Court agrees with Magistrate Judge Louis's recommendation.

"A claim is frivolous if it is without arguable merit either in law or fact." *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001) (citing *Battle v. Cent. State Hosp.*, 898 F.2d 126, 129 (11th Cir. 1990)). "[A] court may dismiss a claim as factually frivolous only if the facts alleged are 'clearly baseless,' a category encompassing allegations that are 'fanciful,' 'fantastic,' and 'delusional.'" *Denton v. Hernandez*, 504 U.S. 25, 32–33 (1992) (internal citations omitted). "When a plaintiff's claims are 'wholly insubstantial,' 'obviously frivolous,' or 'obviously without merit,' the Court lacks jurisdiction to address them." *Jean-Baptiste v. United States Dep't of Justice*, No. 23-02298, 2023 WL 8600569, at *2 (D.D.C. Dec. 12, 2023)

(quoting *Hagans v. Lavine*, 415 U.S. 528, 537–38 (1974)).

Plaintiff's claims are detached from reality and are ultimately frivolous. *See Guthrie v. United States Gov't*, No. 12-22193, 2014 WL 12600155, at *2 (S.D. Fla. Sept. 2, 2014) (noting that claims are frivolous if "the facts underlying the claims do not comport with reality and fail to state a cause of action"). Plaintiff claims that an unnamed "psychopath FBI Agent is actively trying to hurt the Plaintiff's life and make [his] children fatherless," and further alleges that the Agent is not human and may be a "child of the Lucifer walking this earth." Compl., [ECF No. 1] at 6. There is no reason to grant Plaintiff's Motion for Leave to File Petition, given that the Motion recapitulates arguments of similar incredulity that have been squarely rejected by every court that has heard them. *See, e.g.*, *Jean Baptise*, 2023 WL 8600569, at *3 (collecting cases). Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report, [ECF No. 11], is **AFFIRMED AND ADOPTED**.
2. Plaintiff's Motion for Leave to File Petition, [ECF No. 3], is **DENIED**.
3. This case is **DISMISSED *with prejudice***.
4. Any pending motions are **DENIED AS MOOT**.

DONE AND ORDERED in Miami, Florida, this 14th day of January, 2025.

/s/Rodolfo A. Ruiz II
RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE

Appendix E
[Filed: January 3, 2025]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-CV-24646-RAR

HAROLD JEAN-BAPTISTE,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF JUSTICE, *et al.*,

Defendants.
_____/

REPORT AND RECOMMENDATION

THIS CAUSE is before the Court upon Plaintiff's Motion to File Petition, filed on November 26, 2024. (ECF No. 3). This matter was referred to the undersigned United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1) and the Magistrate Judge Rules of the Local Rules of the Southern District of Florida, for a report and recommendation. Having considered the Motion and being otherwise fully advised in the premises, the undersigned respectfully **RECOMMENDS** that the Motion be **DENIED**.

This Court has held that Plaintiff is a vexatious litigant and therefore has enjoined him from filing any new *pro se* document in the Southern District of Florida against the United States, its agencies, or its agencies' employees alleging that the government conspired to monitor, surveil, or harm Plaintiff, physically or otherwise, without first obtaining the prior written approval of the Magistrate Judge. *Jean-Baptiste v. United States Dep't of Justice*, No. 23-CV-22531, 2023 WL 9013864, at *6 (S.D. Fla. Nov. 30, 2023).

Plaintiff, representing himself *pro se*, asserts violations of 42 U.S.C. §§ 1981, 1983, 1985(3), 1986, and the Fourth Amendment. (ECF No. 7 at 2). In broad strokes, Plaintiff alleges that for years, the United States Department of Justice and Federal Bureau of Investigations—which he refers to as a white supremacy group—have been conspiring to and in fact attempted to murder him numerous times. He says he has suffered continuous harassment by the FBI since 2021, which it has accomplished by using "National Security Letters" to shield their violation of federal laws. (*Id.*).

As far as the undersigned can determine, Plaintiff specifically alleges that he traveled to Miami, Florida to test whether an FBI Special Agent "would make another attempt on [his] life." (*Id.* at 4). Plaintiff allegedly purchased from Publix Supermarket the same products that he believed the FBI wanted him to purchase to see if they had been laced with toxic substances, as Plaintiff previously alleged in other cases filed in this District. *See Jean-Baptiste v. United States Dep't of Justice*, No. 23-CV-22761, 2023 WL 9285126, at *6 (S.D. Fla. Nov. 27,

2023); *Jean-Baptiste v. United States Dep't of Justice*, No. 22-CV-22376, 2023 WL 5206381, at *1 (S.D. Fla. July 21, 2023). While inside Publix, Plaintiff noticed that an FBI surveillance team inside Publix was monitoring Plaintiff's purchase. (ECF No. 7 at 4). Plaintiff says that the "last time this happened the Plaintiff almost died [in] a hospital in Florida." (*Id.*).

Plaintiff filed an amended complaint on December 9, 2024, alleging another similar instance of a conspiracy to poison him. This time, Plaintiff traveled to Miami and purchased food from a restaurant called Poke House. After eating the food, Plaintiff experienced chest pain, increased heart rate, diarrhea, and vomiting. He visited University of Miami Hospital's Emergency Room, where he was treated for high blood pressure. Plaintiff said to hospital staff that he "must be famous in this hospital," to which staff responded, "oh yes." (*Id.* at 6). Plaintiff believes that an FBI Special Agent was present at University of Miami Hospital monitoring his response to the toxic substances he ingested. Plaintiff asserts that the scheme to poison him is "a modern-day lynching of the Plaintiff." (*Id.* at 7).

"A claim is frivolous if it is without arguable merit either in law or fact." *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001) (citing *Battle v. Cent. State Hosp.*, 898 F.2d 126, 129 (11th Cir. 1990)). "[A] court may dismiss a claim as factually frivolous only if the facts alleged are 'clearly baseless,' a category encompassing allegations that are 'fanciful,' 'fantastic,' and 'delusional.'" *Denton v. Hernandez*, 504 U.S. 25, 32–33 (1992) (internal citations omitted). "When a plaintiff's claims are 'wholly insubstantial,' 'obviously frivolous,' or 'obviously without merit,' the

Court lacks jurisdiction to address them." *Jean-Baptiste v. United States Dep't of Justice*, No. 23-CV-02298, 2023 WL 8600569, at *2 (D.D.C. Dec. 12, 2023) (quoting *Hagans v. Lavine*, 415 U.S. 528, 537–38 (1974)).

Plaintiff's *pro se* Amended Complaint is the most recent iteration of a pattern of frivolous and fantastical claims asserted in Federal Courts around the country. *See Jean-Baptiste*, 2023 WL 8600569, at *3 (collecting cases). Plaintiff has continuously alleged—and this Court has repeatedly dismissed—claims of an FBI conspiracy to lace foods that Plaintiff purchases with a toxic substance for the purpose of killing him. *See, e.g., Jean-Baptiste*, 2023 WL 9285126, at *6. The facts that Plaintiff asserts in these complaints are incredulous. *See Guthrie v. United States Government*, No. 12-CIV-22193, 2014 WL 12600155, at *2 (S.D. Fla. Sept. 2, 2014) ("Plaintiff's claims are frivolous because the facts underlying the claims do not comport with reality and fail to state a cause of action.").

Much of Plaintiff's Amended Complaint consists of personal insults on the unknown FBI Agent who is allegedly attempting to harm him. *See, e.g.*, (ECF No. 7 at 8). Plaintiff construes the hospital staff's acknowledgment that he is well known to them as an admission of an FBI conspiracy and complicity in its scheme. But this is evidence of nothing.

In sum, Plaintiff's allegations are detached from reality, patently without merit, and therefore frivolous. The Amended Complaint fails to make out any coherent claim. Accordingly, the undersigned

recommends that Plaintiff's Motion (ECF No. 3) be **DENIED.**

Mr. Jean-Baptiste shall file written objections, if any, to this Report and Recommendation with the Honorable Rodolfo A. Ruiz, II, United States District Court Judge for the Southern District of Florida, within **FOURTEEN (14) DAYS** of being served with a copy of this Report and Recommendation. Failure to timely file objections will bar a *de novo* determination by the District Judge of anything in this recommendation and shall constitute a waiver of a party's "right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions." 11th Cir. R. 3-1 (2016); 28 U.S.C. § 636(b)(1)(C); *see also Harrigan v. Metro-Dade Police Dep't Station #4*, 977 F.3d 1185, 1191–92 (11th Cir. 2020).

RESPECTFULLY SUBMITTED in Chambers in Miami, Florida, this 3rd day of January, 2025.

/s/Lauren F. Louis
LAUREN F. LOUIS
UNITED STATES MAGISTRATE JUDGE