

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DEWAYNE BULLS,)
)
 Plaintiff,) Civil Action No. 2:25-cv-0407
)
 v.)
)
 FEDERAL BUREAU OF) Magistrate Judge Patricia L. Dodge
 INVESTIGATION, et al.,)
)
 Defendants.)

REPORT AND RECOMMENDATION

I. RECOMMENDATION

It is respectfully recommended that the Court dismiss Plaintiff's Complaint (ECF No. 7) under the screening provisions of 28 U.S.C. § 1915.¹

II. REPORT

A. Procedural History and Factual Background

Plaintiff Dewayne Bulls ("Bulls") commenced this pro se *in forma pauperis* ("IFP") action on March 24, 2025 against the Federal Bureau of Investigation ("FBI"), Department of Justice ("DOJ"), and John/Jane Doe agents of both agencies. Bulls attempted to amend his Complaint two days later, including additional allegations relating to an encounter with the U.S. Marshal Service that allegedly occurred when he went to the Clerk's Office at the Pittsburgh Courthouse to file his initial documents.² (ECF No. 3.) He then filed a motion to expedite consideration of a

¹ See 28 U.S.C. § 1915(e)(2)(B) ("[T]he court shall dismiss the case at any time if the court determines that . . . the action . . . (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.").

² Because the Complaint had not yet been filed, the amendment was docketed as a "Supplement." (ECF No. 3.)

second amended complaint on March 31, 2025. (ECF No. 4.) The motion also sought “a protective or gag order to address potential national security concerns raised by Defendants, while preserving Plaintiff’s right to effective legal representation.” (*Id.* at 1.)

Bulls was granted IFP and his Complaint was docketed on April 2, 2025. (ECF Nos. 5, 7.)

Bulls is well known to this Court and has filed at least seven other civil cases over the years, all of which have named the FBI as a defendant. *See Bulls v. Federal Bureau of Investigation*, Docket No. 2:19-cv-1526; *Bulls v. FBI*, Docket No. 2:19-cv-156; *Bulls v. Allegheny Cnty. Jail et al.*, Docket No. 2:18-cv-738; *Bulls v. FBI*, Docket No. 2:18-cv-730; *Bulls v. F.B.I. et al.*, Docket No. 2:15-cv-1386; *Bulls v. Renewal Inc et al.*, Docket No. 2:15-cv-1368; *Bulls v. FBI et al.*, Docket No. 2:15-cv-1344.

B. Legal Standard

Under 28 U.S.C. § 1915, a court must screen an IFP complaint and dismiss the action before serving the complaint if the action is “frivolous or malicious” or “fails to state a claim on which relief may be granted.” 28 U.S.C. § 1915(e)(2)(B). *See Brown v. Sage*, 941 F.3d 655, 660 (“[A] court has the authority to dismiss a case ‘at any time,’ 28 U.S.C. § 1915(e)(2) . . . , regardless of the status of a filing fee; that is, a court has the discretion to consider the merits of a case and evaluate an IFP application in either order or even simultaneously.”); *see also Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (“[A] complaint . . . is frivolous where it lacks an arguable basis either in law or fact.”). In screening a complaint under § 1915, courts apply the same standard used to evaluate motions to dismiss under Federal Rule of Civil Procedure 12(b)(6). *D’Agostino v. CECOM RDEC*, 436 F. App’x 70, 72 (3d Cir. 2011) (citing *Tourscher v. McCullough*, 184 F.3d 236, 240 (3d Cir. 1999)).

To survive dismissal, a complaint, including one filed by a pro se litigant, must allege “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 554, 556 (2007). The court must “accept all factual allegations as true, construe the complaint in the light most favorable to the plaintiff, and determine whether, under any reasonable reading of the complaint, the plaintiff may be entitled to relief.” *Fowler v. UPMC Shadyside*, 578 F.3d 203, 210 (3d Cir. 2009) (quoting *Phillips v. Cnty. of Allegheny*, 515 F.3d 224, 233 (3d Cir. 2008)). “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements” and “‘naked assertion[s]’ devoid of ‘further factual enhancement’” are insufficient. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Twombly*, 550 U.S. at 557).

As Bulls is proceeding pro se, the Court construes his factual allegations liberally. *See Higgs v. Att'y Gen.*, 655 F.3d 333, 339 (3d Cir. 2011) (“The obligation to liberally construe a pro se litigant’s pleadings is well-established.”).

C. Discussion

The Complaint makes various allegations relating to a purported “ongoing, systematic criminal enterprise orchestrated by the FBI, DOJ officials, and officers of the FISA Court in Pittsburgh . . . to unjustly and unlawfully extend FISA surveillance of the Plaintiff, a surveillance that has now persisted for over twelve years.” (ECF No. 7 at 1.) Bulls alleges, in detail, that the Pittsburgh FBI and DOJ are conspiring against him to fabricate evidence, obtain illegal surveillance warrants, and suppress his ability to petition the government or obtain legal representation. *See generally id.*

As relief, the Complaint seeks: (1) “A declaratory judgment that Defendants violated federal law”; (2) “An injunction preventing further FISA surveillance of Plaintiff”; (3) “A cease-and-desist order directing the FBI, DOJ, and any affiliated agency or personnel to immediately

stop unlawful surveillance, evidence fabrication, and perjury against the Plaintiff”; (4) “Criminal referrals for FBI and DOJ officials involved in perjury and evidence tampering”; and (5) “Triple damages under RICO for FBI’s fraudulent activities.” (*Id.* at 8.)

Of the previous seven cases that Bulls has filed in this Court, four have been dismissed with prejudice under the screening provisions set forth under 28 U.S.C. § 1915. *See* Docket Nos. 2:19-cv-1526 (dismissing as frivolous); 2:18-cv-730 (dismissing as frivolous and for failure to state a claim); 2:18-cv-738 (dismissing for failure to state a claim); 2:19-cv-156 (dismissing as frivolous and for failure to state a claim). Because Bulls has been granted IFP status in the instant case, the screening provisions of § 1915 similarly apply here. *See Grayson v. Mayview State Hosp.*, 293 F.3d 103, 113 (3d Cir. 2002) (“[N]on-prisoner indigent plaintiffs . . . [are] clearly within the scope of § 1915(e)(2).”).

Moreover, the Supreme Court has repeatedly held that “the federal courts are without power to entertain claims otherwise within their jurisdiction if they are ‘so attenuated and unsubstantial as to be absolutely devoid of merit’; ‘wholly insubstantial’; ‘obviously frivolous’; ‘plainly unsubstantial’; or ‘no longer open to discussion.’” *Hagans v. Lavine*, 415 U.S. 528, 536-37 (1974) (citations omitted). *See also Mallard v. U.S. Dist. Ct. for S. Dist. of Iowa*, 490 U.S. 296, 307-08 (1989) (noting that a federal statute “authorizes courts to dismiss a ‘frivolous or malicious’ action, but there is little doubt they would have power to do so even in the absence of this statutory provision.”); *DeGrazia v. F.B.I.*, 316 F. App’x. 172 (3d Cir. 2009).

Beyond reciting the elements of a litany of federal claims that he seeks to bring, Bulls does little to substantiate his allegations against the FBI and DOJ. Even under the most liberal construction, the Complaint fails to state a claim, as his accusations lack any arguable basis in law or fact and are therefore frivolous. *See Neitzke*, 490 U.S. at 327-28 (affirming district court’s

authority to dismiss “claims describing fantastic or delusional scenarios” as clearly baseless).

Additionally, in *Smith v. Luzerne County FBI Agency*, the Third Circuit affirmed the dismissal of claims brought against the FBI, holding:

[The] complaint fails to state a cause of action to the extent that [plaintiff] intended to bring a suit against the FBI. “Absent a waiver, sovereign immunity shields the Federal Government and its agencies from suit.” Here, there are no allegations that the United States waived immunity. Therefore, [plaintiff] has not stated a viable claim against the defendant.

517 F. App’x 65, 66-67 (3d Cir. 2013) (quoting *FDIC v. Meyer*, 510 U.S. 471, 475 (1994)). As was the case in *Smith*, Bulls fails to allege that the federal government agencies that he names as defendants have waived immunity.

Typically, when dismissing a complaint, “a district court must permit a curative amendment, unless an amendment would be inequitable or futile.” *Phillips*, 515 F.3d at 236 (citing *Grayson*, 293 F.3d at 108). “An amendment is futile if the amended complaint would not survive a motion to dismiss for failure to state a claim upon which relief could be granted.” *Alvin v. Suzuki*, 227 F.3d 107, 121 (3d Cir. 2000). “[D]ismissals of frivolous claims do not require leave to amend.” *Grayson*, 293 F.3d at 112-13. Because there are no additional facts that Bulls could plead that would overcome the deficiencies in his Complaint, it is recommended that the motion to expedite consideration of a second amended complaint be denied, that the Complaint be dismissed with prejudice, and that leave to amend should not be granted.

The Court would also caution Bulls that under the All Writs Act, 28 U.S.C. § 1651, a district court can impose a filing injunction on litigants who have “engaged in abusive, groundless, and vexatious litigation.” *Yoder v. Wells Fargo Bank, N.A.*, 765 Fed. Appx. 822, 824 (3d Cir. 2019); *see also In re Packer Ave. Assocs.*, 884 F.2d 745, 747-48 (3d Cir. 1989); *Chipp v. U.S.D.C. M.D. Pa.*, 882 F.2d 72, 73 (3d Cir. 1989). Bulls is advised that should he file another

meritless and repetitive action in this District, an Order to Show Cause may be issued as to why he should not be deemed a vexatious litigant. Should this occur, Bulls may be subject to the entry of a vexatious-litigant order that would require him to obtain permission from the Court before filing future lawsuits.

III. CONCLUSION

For these reasons, it is respectfully recommended that the Complaint (ECF No. 7) be dismissed with prejudice under the screening provisions at 28 U.S.C. § 1915.

IV. NOTICE

Pursuant to the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Civil Rules, the parties may, within (14) days, file objections to this Report and Recommendation. Failure to do so will waive the right to appeal. *Brightwell v. Lehman*, 637 F.3d 187, 193 n.7 (3d Cir. 2011).

Dated: April 3, 2025

/s/ Patricia L. Dodge
PATRICIA L. DODGE
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DEWAYNE BULLS,

Plaintiff,

v.

FEDERAL BUREAU OF
INVESTIGATION, et al.,

Defendants.

2:23-CV-01954-CCW

ORDER

This case has been referred to United States Magistrate Judge Patricia L. Dodge for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On April 3, 2025, the Magistrate Judge issued a Report (the “R&R”), ECF No. 8, recommending that the Complaint, ECF No. 7, be dismissed with prejudice under 28 U.S.C. § 1915(e)(2)(B) as frivolous and because it fails to state a claim. The R&R further concluded that amendment would be futile. Service of the R&R was made on the parties, and Plaintiff has filed Objections. *See* ECF No. 9.

After a *de novo* review of the pleadings and documents in the case, together with the R&R and the Objections thereto, it hereby is **ORDERED** that the Complaint, ECF No. 7, is **DISMISSED WITH PREJUDICE**, and the Magistrate Judge’s R&R, ECF No. 8, is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

DATED this 21st day of April, 2025.

BY THE COURT:

/s/ Christy Criswell Wiegand
CHRISTY CRISWELL WIEGAND
United States District Judge

cc (via ECF email notification):

All Counsel of Record

cc (via US mail):

Dewayne Bulls
Pro se
700 Second Ave.
Pittsburgh, PA 15219

DLD-155

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-1800

DEWAYNE BULLS,
Appellant

v.

FEDERAL BUREAU OF INVESTIGATION, (FBI);
DEPARTMENT OF JUSTICE, (DOJ); FBI AGENTS,
(JOHN/JANE DOE); DOJ OFFICIALS, (JOHN/JANE DOE)

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil Action No. 2:25-cv-00407)
District Judge: Honorable Christy Criswell Wiegand

Submitted for Possible Summary Action
Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
May 22, 2025
Before: RESTREPO, FREEMAN, and NYGAARD, Circuit Judges

(Opinion filed: June 26, 2025)

OPINION*

PER CURIAM

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

Dewayne Bulls sought to file an in forma pauperis complaint against the Federal Bureau of Investigation (“FBI”), the Department of Justice (“DOJ”), and unnamed FBI and DOJ officials. He claimed that they engaged in “an ongoing, systemic criminal enterprise,” conducting surveillance of him under the Foreign Intelligence Surveillance Act in order to obstruct legitimate criminal investigations of “FBI[] malfeasance” that he has uncovered. ECF No. 7 at 1.

Bulls further alleged that they had “fabricated” his use of the drug MDMA and “planted illicit substances,” including MDMA, in his drink. Id. at 3, 4. He explained that once he saw a “nondescript white pickup truck” near where he was “savoring a meal” in a “public space,” which he identified (loudly and “without hesitation”) as “the FBI.” Id. at 5. He stated that, after he finished his meal, the FBI picked his discarded items from the trash, and “these seemingly innocent remnants were twisted . . . into false ‘evidence.’” Id. And Bulls stated that, another time, he opened a water bottle outside a homeless shelter, and a video, if reviewed, would reveal misconduct by the FBI because it shows no tampering by him. Id. at 5-6. He blamed the FBI for curtailing his drug-testing regimen, reducing the number of drug tests he takes from five to one per week. Id. at 6. And Bulls further alleged that the FBI altered his drug test results, using caffeine and other substances to suggest his MDMA use despite a “negative MDMA result.” Id. at 7. He sought a declaration that the defendants violated federal law; an injunction preventing further FISA surveillance; a cease-and-desist order directing the defendants to stop

“unlawful surveillance, evidence fabrication, and perjury”; criminal referrals; and damages. Id. at 8. Presenting similar and additional allegations (including ones relating to FBI forgeries and impersonations of people in high levels of government), Bulls also filed separate requests for preliminary injunctive relief.¹

After Bulls was granted in forma pauperis status, a Magistrate Judge prepared a report and recommended dismissing the complaint with prejudice, because, *inter alia*, Bulls’s allegations were frivolous and failed to state a claim. In another report and recommendation, she advised denying several of the motions for injunctive relief. Over Bulls’s objections, the District Court adopted the first report and recommendation and dismissed the complaint with prejudice. On the same day, the District Court separately dismissed all Bulls’s other motions as moot. Bulls filed a timely notice of appeal.

We have jurisdiction under 28 U.S.C. § 1291.² We exercise plenary review over the District Court’s order dismissing Bulls’s complaint. See Allah v. Seiverling, 229

¹ More specifically, he sought additional comparable cease-and-desist orders plus orders to release funds related to his 2023 state tax return, which, he contended, were being withheld by the FBI; to overcome FBI interference with his access to PACER; to address problems that he encountered entering a federal courthouse and interacting with employees in a clerk’s office; and to enjoin obstruction of his efforts to communicate with a U.S. Attorney’s Office (he noted that he has gotten out-of-service messages when he called there from a homeless shelter’s telephone). ECF Nos. 4, 6, 10, & 11.

² We will not review the denial of Bulls’s motions for a preliminary injunctive relief because this appeal is moot to the extent that he challenges the ruling on those motions. See Hankins v. Temple Univ., 829 F.2d 437, 438 n.1 (3d Cir. 1987).

F.3d 220, 223 (3d Cir. 2000). Upon review, we will summarily affirm the District Court's judgment because no substantial issue is presented on appeal.³ See 3d Cir. L.A.R. 27.4; 3d Cir. I.O.P. 10.6; see also *Murray v. Bledsoe*, 650 F.3d 246, 247 (3d Cir. 2011) (per curiam) (explaining that we may affirm on any basis supported by the record).

We agree with the District Court's decision to dismiss Bulls's complaint. Bulls's claims of a wide-ranging FBI conspiracy against him in order to obstruct criminal investigations challenge credulity. See *Neitzke v. Williams*, 490 U.S. 319, 325, 327-28 (1989) (explaining that a complaint is considered frivolous if it lacks an arguable basis in law or fact).

Furthermore, even assuming the truth of some of his allegations, other pleading defects plague his complaint. He cannot impose civil or criminal liability under the criminal statutes he cites. See, e.g., *Cent. Bank of Denver v. First Interstate Bank of Denver*, 511 U.S. 164, 190 (1994) (refusing to infer a private right of action from a “bare [federal] criminal statute”)). We do not recognize any implied action under *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971), that he may propose. See *Egbert*

³ Before coming to this conclusion, we have reviewed the informal brief that Bulls submitted, which we construe as a document in support of his appeal, as well as his opposition to summary action and other filings. In response to his concern that the FBI authored the report and recommendation adopted by the District Court and impersonated this Court to notify him that we would consider summary action, we assure him that the report and recommendation and the notice of possible summary action are authentic court documents, issued by a Magistrate Judge and this Court's Clerk's Office, respectively, without the involvement of the FBI.

v. Boule, 596 U.S. 482, 490-91 (2022) (listing three types of cases for which the remedy is available); Fisher v. Hollingsworth, 115 F.4th 197, 204–06 (3d Cir. 2024) (analyzing the import of Egbert). While he also relied on 42 U.S.C. § 1983, he described actions by federal, not state, actors. Section 1983 “protects against acts attributable to a State” and requires action under color of state law. Lindke v. Freed, 601 U.S. 187, 194-95 (2024); see also Kach v. Hose, 589 F.3d 626, 646 (3d Cir. 2009) (requiring a plaintiff to allege “that [he] was deprived of a federal constitutional or statutory right by a state actor”). And some of his claims are just not supported by his allegations. For example, he maintained that the FBI violated his Fourth Amendment rights by trash-picking items he discarded, but no Fourth Amendment “seizure” occurs when the FBI appropriates abandoned property. Abel v. United States, 362 U.S. 217, 241 (1960).

Lastly, we conclude that the District Court did not abuse its discretion in ruling that amendment would be futile under the circumstances. See Grayson v. Mayview State Hosp., 293 F.3d 103, 112-14 (3d Cir. 2002).

For these reasons, we will affirm the District Court’s judgment.⁴

⁴ We deny Bulls’s motion to expedite review, see 3d Cir L.A.R. 4.1, and his other requests for relief.

DLD-155

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-1800

DEWAYNE BULLS,
Appellant

v.

FEDERAL BUREAU OF INVESTIGATION, (FBI);
DEPARTMENT OF JUSTICE, (DOJ); FBI AGENTS,
(JOHN/JANE DOE); DOJ OFFICIALS, (JOHN/JANE DOE)

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil Action No. 2:25-cv-00407)
District Judge: Honorable Christy Criswell Wiegand

Submitted for Possible Summary Action
Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
May 22, 2025
Before: RESTREPO, FREEMAN, and NYGAARD, Circuit Judges

JUDGMENT

This cause came to be considered on the record from the United States District Court for the Western District of Pennsylvania and was submitted for possible summary action pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6 on May 22, 2025.

On consideration whereof, it is now hereby ORDERED and ADJUDGED by this Court that the judgment of the District Court entered April 21, 2025, be and the same hereby is affirmed. All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Patricia S. Dodszuweit
Clerk

DATED: June 26, 2025

A

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