

UNPUBLISHED

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

No. 25-2068

LORENZO DOMINIC RICHARDSON,

Plaintiff - Appellant,

v.

GERALD BAKER; JET INSURANCE COMPANY; ON POINT RISK SOLUTIONS; ADAM B. MIDGETTE; THOMAS L. TEAL; TIM C. JARVIS; J.R. MOORE; DAVID S. BRANNON; WAKE COUNTY SHERIFF'S OFFICE; GARNER POLICE DEPARTMENT; SAM HAMADANI, individual and official capacity as Judge; JUDICIAL BRANCH OF NC; C.T. JONES,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh.
Louise W. Flanagan, District Judge. (5:24-cv-00537-FL)

Submitted: March 26, 2026

Decided: March 30, 2026

Before RICHARDSON and BERNER, Circuit Judges, and FLOYD, Senior Circuit Judge.

Dismissed in part and affirmed in part by unpublished per curiam opinion.

Lorenzo Dominic Richardson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lorenzo Dominic Richardson seeks to appeal the district's court orders dismissing his civil action, denying his fourth post-judgment motion, and enjoining him from further filings in that case. We dismiss the appeal as to both the district court's judgment dismissing Richardson's civil action and the order denying his post-judgment motion because the notice of appeal was not timely filed as to that judgment or order. In civil cases, parties have 30 days after entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6).

"[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement."

Bowles v. Russell, 551 U.S. 205, 214 (2007). The district court entered its judgment of dismissal on November 7, 2024, and the appeal period expired on December 9, 2024.* The district court entered its order denying Richardson's fourth post-judgment motion on July

23, 2025, and the appeal period expired on August 22, 2025. Richardson filed the notice of appeal on September 5, 2025. Because Richardson failed to file a timely notice of appeal or to obtain an extension or reopening of the applicable appeal periods, we dismiss the appeal as to both the November 7, 2024 judgment and the July 23, 2025 order.

Richardson did file a timely notice of appeal from the district court's August 18, 2025 order enjoining Richardson from further filings in that case. We have reviewed the

* The 30-day period expired on a Saturday; thus, Richardson had until Monday, December 9, 2024, to file his appeal. Fed. R. App. P. 26(a)(1)(C).

record and discern no reversible error. Accordingly, we affirm the district court's order.

Richardson v. Baker, No. 5:24-cv-00537-FL (E.D.N.C. Aug. 18, 2025). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED IN PART,

AFFIRMED IN PART

NO. 5:24-CV-537-FL

Defendants.

ORDER

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Plaintiff's objections to the M&R elaborate upon these allegations, which the court will examine below. Plaintiff's purported amended complaint appears to allege that law enforcement and Wake County judges unlawfully denied him a restraining order.

COURT'S DISCUSSION

A. Standard of Review

The district court reviews de novo those portions of the M&R to which specific objections are filed. 28 U.S.C. § 636(b). The court does not perform a de novo review where a party makes only "general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). Absent a specific and timely filed objection, the court reviews only for "clear error," and need not give any explanation for adopting the M&R. Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). Upon careful review of the record, "the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C).

"The court should freely give leave [to amend] when justice so requires." Fed. R. Civ. P. 15(a)(2). A motion for leave to amend should be allowed "[i]n the absence of . . . undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, or futility of the amendment." Foman v. Davis, 371 U.S. 178, 182 (1962).¹ "A proposed amendment is . . . futile if the claim it presents would not survive a motion to dismiss." Save Our Sound OBX, Inc. v. N. Carolina Dep't of Transportation, 914 F.3d 213, 228 (4th Cir. 2019); see In re Triangle Cap. Corp. Sec. Litig., 988 F.3d 743, 750 (4th Cir. 2021) ("[D]istrict

¹ Throughout this order, internal citations and quotation marks are omitted from citations unless otherwise specified.

courts are free to deny leave to amend as futile if the [pleading] fails to withstand Rule 12(b)(6) scrutiny.”).

B. Analysis

Plaintiff’s objections go far beyond the substance of his original complaint, and instead amount to a de facto amended complaint. The court first addresses plaintiff’s objections to the M&R, and then proceeds to his purported amended complaint labelled as such.

1. Objections

Plaintiff’s first objection is to the Magistrate Judge’s recommendation that his complaint be dismissed for failure to meet pleading standards under Rule 8 and Ashcroft v. Iqbal, 556 U.S. 662 (2009). The court has reviewed plaintiff’s original complaint and concludes that the Magistrate Judge was correct to recommend dismissal on this ground. Plaintiff’s original complaint fails to offer any plain statement of allegations as required.

Next, plaintiff objects to the Magistrate Judge’s review of his case, on grounds that he did not consent to such assignment. The court rejects this assertion. Plaintiff’s case was properly referred for review under 28 U.S.C. § 1915 and a recommended disposition under 28 U.S.C. § 636(b)(1)(B).

More substantively, plaintiff’s objections effectively attempt to re-plead his allegations. But as in his original complaint, these allegations are near-indecipherable, and consist almost entirely of summary accusations of wrongdoing peppered with legal terms.

First, plaintiff alleges that defendants unlawfully arrested him (see Objs. (DE 12-1) 14–16), but he makes such allegations in summary, conclusory fashion with no factual support. These claims do not pass muster. Next, plaintiff attempts to sue a Wake County judge for denying him a protective order. But judicial officers are absolutely immune from § 1983 claims absent

extremely circumscribed exceptions not presented here. Mireles v. Waco, 502 U.S. 9, 11 (1991). This immunity applies even when a plaintiff alleges the pertinent actions were done “maliciously or corruptly.” See Gibson v. Goldston, 85 F.4th 218, 223 (4th Cir. 2023). Plaintiff’s allegations against a state judge cannot succeed. Finally, some of plaintiff’s allegations appear to suggest that law enforcement failed to protect him from violence and property damage inflicted by his neighbors. But a plaintiff generally cannot lodge a Constitutional claim against a state actor for failing to protect him from the acts of private third parties. See Town of Castle Rock, Colorado v. Gonzales, 545 U.S. 748, 756 (2005); Doe ex rel. Johnson v. S.C. Dep’t of Social Servs., 597 F.3d 163, 170–72 (4th Cir. 2010). This theory therefore cannot succeed either.

2. Amended Complaint

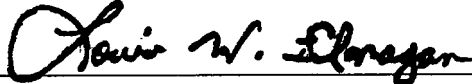
Plaintiff filed a purported amended complaint after the M&R was issued. The court treats this amended complaint as a motion for leave to amend under Rule 15. Such motion is properly denied if the amended complaint would not survive a Rule 12 motion. See United States ex rel. Wilson v. Kellogg Brown & Root, Inc., 525 F.3d 370, 376 (4th Cir. 2008).

Plaintiff’s proposed amended complaint repeats only his allegations against the Wake County judge plaintiff contends wrongfully denied him a protective order. These allegations necessarily fail, Waco, 502 U.S. at 11, and so plaintiff’s complaint is futile within the meaning of Rule 15.

CONCLUSION

For the foregoing reasons, the court ADOPTS the M&R (DE 9). Plaintiff’s claims are DISMISSED for failure to state a claim under Rule 12(b)(6). Plaintiff’s motion for leave to amend (DE 13) is DENIED. The clerk is DIRECTED to close this case.

SO ORDERED, this the 7th day of November, 2024.



LOUISE W. FLANAGAN
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

NO. 5:24-CV-537-FL

LORENZO RICHARDSON

Plaintiff,

v.

GERALD BAKER, JET INSURANCE
COMPANY, ON POINT RISK
SOLUTIONS, ADAM B. MIDGETTE,
THOMAS L. TEAL, TIM C. JARVIS, J.R.
MOORE, DAVID S. BRANNON, WAKE
COUNTY SHERIFF'S OFFICE, GARNER
POLICE DEPARTMENT, SAM
HAMADANI, in his individual and official
capacity as a judge, JUDICIAL BRANCH
OF NC, and C.T. JONES,

Defendants.

ORDER

This matter is before the court upon plaintiff's motion to set aside judgment (DE 29), which motion, for reasons discussed, must be and is denied.

BACKGROUND

Plaintiff complains among other things of alleged unlawful seizures. Reference is made to the court's prior orders for details therein provided, including plaintiff's extensive litigation history, incorporated here by reference. What comes now before the court in this case concluded in judgment entered November 7, 2024, dismissing the case, is plaintiff's fourth post-judgment motion.

COURT'S DISCUSSION

Like his previous filings, this one made April 4, 2025, offers no cognizable basis in law or fact for the court to reconsider its judgment or otherwise grant any relief. The court now considers it necessary to preserve its resources and pronounce finality in this case by imposing a prefiling injunction.

The All Writs Act, 28 U.S.C. § 1651, grants federal courts the power to limit access to the courts by vexatious and abusive litigants, subject to significant procedural safeguards and requirements. Cromer v. Kraft Foods N. Am., Inc., 390 F.3d 812, 817 (4th Cir. 2004). This remedy is necessary to prevent “a litigant’s continuous abuse of the judicial process” by filing “meritless and repetitive” motions. Such a strong remedy should, however, be used cautiously and sparingly. Id.

The court must weigh all the relevant circumstances, including 1) the party’s litigation history, especially whether he has filed vexatious, harassing, or duplicative suits; 2) whether the party had any good faith basis for such suits; 3) the burden on the court and other parties from the party’s filings; and 4) the adequacy of alternative sanctions. Id. at 818. If the court determines, after weighing all these factors, that an injunction is warranted, it must ensure such injunction is narrowly tailored to the circumstances at issue, and provide the to-be-enjoined party with notice and the opportunity to be heard. Id. at 818–19.

Plaintiff’s litigation history weighs in favor of a prefiling injunction. Plaintiff advances no good faith basis to have made these filings. Plaintiff’s filings have burdened this court. Plaintiff’s complaint in this case, like so many before, failed to pass frivolity review under 28 U.S.C. § 1915(e). Under circumstances presented, other sanctions likely will not deter plaintiff’s conduct.

Monetary sanctions are not appropriate. Procedural sanctions up to and including dismissal are unavailable.

In light of the foregoing, the court proceeds to narrowly tailoring an injunction specific to the circumstances of this case. A narrowly tailored injunction would address “only filings in [the instant] or related actions.” Cromer, 390 F.3d at 819.

The court will therefore limit its injunction to cover only future filings in this case, number 5:24-cv-537-FL, except 1) a notice of appeal; or 2) any other filing accompanied by an affidavit signed by an attorney licensed to practice law in, and in good standing with, the bar of any U.S. state or territory attesting that plaintiff’s filing is presented in good faith and for a proper purpose under Federal Rule of Civil Procedure 11. The clerk of court will be directed to decline to docket any filings that fall outside these exceptions.

Nothing in this order or any injunction shall be construed to limit in any way plaintiff’s ability 1) to make any filings not specifically encompassed within the previous paragraph; 2) to defend himself in any criminal action; 3) to file for a writ of habeas corpus or other extraordinary writ; or 4) to access any federal court of appeals, the United States Supreme Court, or any other federal or state court.

Last, the court proceeds to Cromer notice. The court hereby places plaintiff on notice that the court intends to enjoin him from making any further filings on such terms set out, and as limited, in the previous two paragraphs. **Plaintiff is directed to show cause within 21 days of the issuance of this order why such injunction should not be imposed.**

SO ORDERED, this the 23rd day of July, 2025.


LOUISE W. FLANAGAN
United States District Judge

LORENZO RICHARDSON

Plaintiff,

v.

GERALD BAKER, JET INSURANCE
COMPANY, ON POINT RISK
SOLUTIONS, ADAM B. MIDGETTE,
THOMAS L. TEAL, TIM C. JARVIS, J.R.
MOORE, DAVID S. BRANNON, WAKE
COUNTY SHERIFF'S OFFICE, GARNER
POLICE DEPARTMENT, SAM
HAMADANI, in his individual and official
capacity as a judge, JUDICIAL BRANCH
OF NC, and C.T. JONES,

Defendants.

ORDER OF PREFILING INJUNCTION

Pursuant to the court's July 24, 2025, order regarding a prefiling injunction, because good cause has not been shown by plaintiff why a prefiling injunction should not be imposed, the court hereby ENJOINS plaintiff from any further filings in this case, number 5:24-cv-537-FL, except 1) a notice of appeal; or 2) any other filing accompanied by an affidavit signed by an attorney licensed to practice law by, and in good standing with, the bar of any U.S. state or territory attesting that plaintiff's filing is presented in good faith and for a proper purpose under the standard contemplated by Federal Rule of Civil Procedure 11.

The clerk of court is hereby DIRECTED to return any filings that do not comply with the terms set out in the preceding paragraph.

FILED: March 20, 2025

Nothing in this injunction shall be construed to limit in any way plaintiff's ability 1) to make any filings not specifically encompassed within this order; 2) to defend himself in any criminal action; 3) to file for a writ of habeas corpus or other extraordinary writ; or 4) to access any federal court of appeals, the United States Supreme Court, or any other federal or state court.

SO ORDERED, this the 18th day of August, 2025.


LOUISE W. FLANAGAN
United States District Judge

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FILED: May 1, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-2068
(5:24-cv-00537-FL)

LORENZO DOMINIC RICHARDSON

Plaintiff - Appellant

v.

GERALD BAKER; JET INSURANCE COMPANY; ON POINT RISK SOLUTIONS;
ADAM B. MIDGETTE; THOMAS L. TEAL; TIM C. JARVIS; J.R. MOORE; DAVID
S. BRANNON; WAKE COUNTY SHERIFF'S OFFICE; GARNER POLICE
DEPARTMENT; SAM HAMADANI, individual and official capacity as Judge;
JUDICIAL BRANCH OF NC; C.T. JONES

Defendants - Appellees

O R D E R

The court denies the motion to stay mandate and denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 40 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Richardson, Judge Berner, and Senior Judge Floyd.

For the Court

/s/ Nwamaka Anowi, Clerk

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