United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted June 30, 2023*
Decided July 12, 2023

Before

FRANK H. EASTERBROOK, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 22-3254

ACHASHVEROSH ADNAH AMMIYHUWD NGOLA MBANDI and VON MAXEY,
Plaintiffs-Appellants,

v.

PANGEA VENTURES LLC, et al.,
Defendants-Appellees.

Appeal from the United States District Court for the Southern District of Indiana, Indianapolis Division.

No. 1:22-cv-01274-JRS-TAB

James R. Sweeney II,
Judge.

ORDER

The plaintiffs—Achashverosh Adnah Ammiyhuwd Ngola Mbandi and Von Maxey—appeal the dismissal of their wide-ranging complaint, which the district court described as akin to "reading another language." The court rejected the proposed third

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* We have agreed to decide the case without oral argument because the briefs and the record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

amended complaint under Rules 8(a) and 12(b)(6) of the Federal Rules of Civil Procedure because it contained "pages of wordy, redundant, and irrelevant allegations" that obscured the "few nubs of actual alleged fact that give a picture of the case." We do not question the conclusion that the complaint violated federal pleading rules and did not state any claim for relief, but we go farther: the plaintiffs' claims are so utterly unsubstantial that that they do not engage federal subject-matter jurisdiction.

The plaintiffs say that they are "Hebrew Israelites" and "non-citizen nationals," among other descriptors.[1] Their third complaint, like those before it, sets forth a factual scenario that is hard to follow. Broadly speaking, they complain of three things. First, employees of their apartment complex's management company referred to them as "boyfriends" in a notice stating that one of them was an unauthorized inhabitant. Second, the management company twice had the plaintiffs' car—which had a "Sovereign Hebrew" and "State National Republic" license plate—towed because it lacked a valid registration and parking sticker as required by the lease's parking addendum. Third, when Ngola Mbandi went to get the car out of impound, the towing company accused him of trespassing and called the police, who in turn retaliated against the plaintiffs, in some way, for expressing their beliefs.

The plaintiffs sued various people and entities allegedly involved in each set of events, invoking as the source of applicable law everything from the Foreign Sovereign Immunities Act to the Holy Bible. On the motion of most defendants, the district court dismissed the largely inscrutable complaint under Rule 8(a). The court explained that a valid complaint would consist of a short and "clear factual narrative," and even wrote out an 11-line summary that would "accomplish[] everything required." The court also struck a first amended complaint the plaintiffs had submitted pending its ruling and later another complaint they filed without leave. When the plaintiffs, with leave of court, submitted a proposed third amended complaint, it was still unwieldy and largely incomprehensible. The district court dismissed it—this time with prejudice—concluding that it again violated Rule 8(a) and that, to the extent any story was discernible, the allegations did not state a claim upon which relief could be granted.

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[1] The plaintiffs object to the label "sovereign citizen," which they say pertains only to "so called white people (Biblical Edomites)," but the analogy is apt at least insofar as they claim not to be citizens of the United States or any State, who are nevertheless protected by, though not always required to comply with, state and federal law. *See generally Bey v. Indiana*, 847 F.3d 559 (7th Cir. 2017).

The plaintiffs appeal, though their brief primarily reasserts the confounding allegations that they have not clarified despite the district court's guidance. They also appear to argue that the dismissal undercuts their freedom of expression and that the court erred by not considering international laws and by holding them to the wrong pleading standard (they say they properly alleged fraud under Rule 9(b)). The appellees assert in their jurisdictional statement that the plaintiffs failed to engage federal subject-matter jurisdiction because they pleaded no claims derived from federal law and cannot show jurisdiction based on diversity of citizenship.

We must always begin by assessing whether the federal courts have subject-matter jurisdiction. *See Mathis v. Metro. Life Ins. Co.*, 12 F.4th 658, 663–64 (7th Cir. 2021). Litigants who simply cite federal statutes and say that their claims arise under federal law do not conjure federal-question jurisdiction under 28 U.S.C. § 1331 when those claims, on the face of the complaint, are "wholly insubstantial and frivolous," *Bell v. Hood*, 327 U.S. 678, 682–83 (1946), or "immaterial to the true thrust of the complaint and thus made solely for the purpose of obtaining jurisdiction," *Greater Chi. Combine & Ctr., Inc. v. City of Chicago*, 431 F.3d 1065, 1069 (7th Cir. 2005) (citation omitted).

The purported federal claims here are frivolous, wholly insubstantial, and unrelated to the disputes at the heart of the complaint. The plaintiffs had no conceivable claim no matter how they drafted the complaint. Most of the cited statutes cannot possibly be relevant, and the cryptic use of legal terms such as "retaliation" do not add substance to the exposition. We could go on, but the district court thoroughly cataloged the problems with the third amended complaint and its predecessors. Because the claims are so insubstantial that they do not engage federal-question jurisdiction, and the "stateless" plaintiffs supply no plausible basis for diversity jurisdiction under 28 U.S.C. § 1332, the case must be dismissed. *See Bell*, 327 U.S. at 682–83.

We will, however, modify the judgment to reflect a dismissal without prejudice. A dismissal for want of jurisdiction, even if it finally resolves a lawsuit, is not on the merits. *See MAO-MSO Recovery II, LLC v. State Farm Mut. Auto. Ins. Co.*, 935 F.3d 573, 581 (7th Cir. 2019). But we caution the plaintiffs-appellants that the dismissal remains a final decision, and the case is resolved. *See Carter v. Buesgen*, 10 F.4th 715, 720 (7th Cir. 2021).

As modified, the judgment is AFFIRMED.