

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 18-1871

ROGER WILSON,
Appellant

v.

DELTA AIRLINES; SHAREBUILDERS.COM

On Appeal from the United States District Court
for the Western District of Pennsylvania
(W.D. Pa. Civil Action No. 2-18-cv-00305)
District Judge: Honorable Nora Barry Fischer

Submitted for Possible Dismissal Pursuant to 28 U.S.C. § 1915(e)(2)(B) or
Summary Action Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6

July 12, 2018

Before: JORDAN, SHWARTZ and KRAUSE, Circuit Judges

(Opinion filed: July 20, 2018)

OPINION*

PER CURIAM

Roger Wilson, proceeding pro se, appeals an order of the United States District

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

Court for the Western District of Pennsylvania dismissing his complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B). We will summarily affirm the judgment of the District Court.

Wilson filed a complaint against Delta Airlines and ShareBuilders.com alleging that they “stole stock off [him]” that he bought in 2006. Wilson brought his claim under 18 U.S.C. § 1341, a criminal statute prohibiting mail fraud, and sought \$25 million in damages.

The District Court adopted the Magistrate Judge’s report and recommendation to dismiss the complaint as frivolous because it is based on an indisputably meritless legal theory. The Magistrate Judge explained that the criminal statute that Wilson claims was violated does not provide a private cause of action. The District Court overruled Wilson’s objections to the Magistrate Judge’s report in which he challenged the procedures that were used and cited additional statutes in support of his claim. This appeal followed.

We have jurisdiction pursuant to 28 U.S.C. § 1291. Our standard of review is plenary. Roman v. Jeffes, 904 F.2d 192, 194 (3d Cir. 1990).

The District Court’s decision is supported by the record. Wilson has not shown that improper procedures were used in his case. See 28 U.S.C. § 636(b) (authorizing recommendations by a Magistrate Judge). We agree that § 1341 does not on its own give rise to a private cause of action. Wisdom v. First Midwest Bank, 167 F.3d 402, 408 (8th Cir. 1999). To the extent Wilson sought to amend his complaint, he did not show that he

has a non-frivolous claim. His complaint was properly dismissed. See Neitzke v. Williams, 490 U.S. 319, 325 (1989).

Because this appeal does not raise a substantial question, we will summarily affirm the judgment of the District Court.¹

¹ Wilson's motion to modify the record to change the amount of damages he seeks from the defendants is denied.