

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 18-1532**

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JUSTIN FERGUSON,

Plaintiff - Appellant,

v.

ELAINE X. WOOTON; LOWELL B. COOPER,

Defendants - Appellees.

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Appeal from the United States District Court for the District of Maryland, at Baltimore.  
James K. Bredar, Chief District Judge. (1:18-cv-00812-JKB)

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Submitted: October 31, 2018

Decided: November 14, 2018

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Before NIEMEYER, WYNN, and THACKER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Justin Ferguson, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Justin Ferguson appeals the district court's order finding his complaint frivolous and sua sponte dismissing his civil action for lack of subject matter jurisdiction. Frivolous complaints are subject to dismissal pursuant to the district court's inherent authority, even when the plaintiff has paid the filing fee. *See, e.g., Mallard v. U.S. Dist. Court*, 490 U.S. 296, 307-08 (1989); *Fitzgerald v. First E. Seventh St. Tenants Corp.*, 221 F.3d 362, 364 (2d Cir. 2000) (per curiam). Additionally, dismissal prior to service of process is permissible when a court lacks subject matter jurisdiction over a patently frivolous complaint. *See Surtain v. Hamlin Terrace Found.*, 789 F.3d 1239, 1248 (11th Cir. 2015) (per curiam); *Ricketts v. Midwest Nat'l Bank*, 874 F.2d 1177, 1180-83 (7th Cir. 1989); *Franklin v. Oregon*, 662 F.2d 1337, 1342-43 (9th Cir. 1981).

We conclude that the district court did not abuse its discretion in dismissing Ferguson's frivolous complaint for lack of jurisdiction. *See Neitzke v. Williams*, 490 U.S. 319, 325, 327-28 (1989) (defining frivolous claims); *Nagy v. FMC Butner*, 376 F.3d 252, 254-55 & n.\* (4th Cir. 2004) (stating standard of review). Accordingly, we affirm the judgment of the district court. We deny Ferguson's motion to seal. 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.

*AFFIRMED*