

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 6, 2023

Lyle W. Cayce
Clerk

No. 22-10914

DESMOND L. ASKEW, CHIEF JUSTICE EX REL.,

Plaintiff—Appellant,

versus

UNITED STATES OF AMERICA; STATE OF TEXAS, A PUBLIC BODY
CORPORATE,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:22-cv-01596

Before KING, HIGGINSON, and WILLETT, *Circuit Judges.*

PER CURIAM:*

Plaintiff-Appellant Desmond L. Askew filed a complaint against the State of Texas and the United States, seeking a declaratory judgment that he is a sovereign citizen—and therefore not subject to the laws of the United States—because of his purported status as a member of the Yamassee Creek Nation. The district court dismissed Askew’s complaint with prejudice,

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

No. 22-10914

finding the complaint failed to “plead sufficient facts for the Court to determine the relief sought” and that the complaint was “fanciful” and “without merit.”¹ Askew now appeals.

After reviewing Askew’s submissions and the record, we conclude that Askew’s complaint, which derives its argument from the so-called “sovereign citizen movement,”² is frivolous and entirely without merit. *See* 5TH CIR. R. 42.2; *see also* *Watson v. Texas State Univ.*, 829 F. App’x 686 (5th Cir. 2020) (dismissing complaint relying on “meritless legal theories associated with the sovereign citizen movement” as “frivolous and entirely without merit”).

DISMISSED as frivolous.

¹ As a general rule, a district court may dismiss a plaintiff’s complaint for failure to state a claim *sua sponte* “as long as the procedure employed is fair to the parties.” *Century Sur. Co. v. Blevins*, 799 F.3d 366, 372 (5th Cir. 2015) (citation omitted). Our court has explained that fairness requires that a litigant receive notice and opportunity to be heard prior to the dismissal unless the claim is patently frivolous. *Id.*

² “The sovereign citizen movement is a loose grouping of litigants, commentators, and tax protesters who often take the position that they are not subject to state or federal statutes and proceedings.” *United States v. Weast*, 811 F.3d 743, 746 n.5 (5th Cir. 2016).