

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

WILLIAM E. BOWHALL,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:10-CV-609-WKW [WO]
)	
BARACK OBAMA,)	
<i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Under consideration is Plaintiff William E. Bowhall’s *pro se* Complaint (Doc. # 1) filed against twenty-six named defendants, including four United States Presidents, five United States Senators, four United States Representatives, various state officials, various political organizations, and Ford Global Technologies, LLC. This cause of action is Mr. Bowhall’s ninth, and final, *pro se* complaint pending before this court.¹ For the following reasons, the Complaint is due to be dismissed.

Because both Mr. Bowhall’s factual allegations and legal conclusions lack an arguable basis in either law or fact, the court is required to dismiss this case. *See Neitzke v. Williams*, 490 U.S. 319, 327-328 (1989) (upholding 28 U.S.C. § 1915 dismissal for claims based on

¹ Mr. Bowhall’s eight other civil actions filed in this court are: *Bowhall v. Johnson & Johnson, Inc.*, No. 2:10cv601-WKW (July 14, 2010); *Bowhall v. Capitol-EMI Records, Inc.*, No. 2:10cv603-WKW (July 14, 2010); *Bowhall v. Office of James M. Deimen*, No. 2:10cv604-WKW (July 14, 2010); *Bowhall v. Howell High Sch. Bd. of Educ.*, No. 2:10cv605-WKW (July 14, 2010); *Bowhall v. Viacom, Inc.*, No. 2:10cv606-WKW (July 14, 2010); *Bowhall v. Dep’t of Defense*, No. 2:10cv607-WKW (July 14, 2010); *Bowhall v. NBC, Inc.*, No. 2:10cv608-WKW (July 14, 2010); *Bowhall v. NAACP Beverly Hills*, No. 2:10cv679-WKW (Aug. 10, 2010).

“clearly baseless” factual contentions, infringement of “a legal interest which clearly does not exist,” or an indisputably “meritless legal theory”). Mr. Bowhall’s “fantastic and delusional scenarios” fall squarely within the class of claims the Supreme Court found ripe for *sua sponte* dismissal under 28 U.S.C. § 1915. *Id.* Mr. Bowhall alleges that Defendants entered into a conspiracy designed “to effectively corrupt the welfare of the United States and its common citizen[s],” on the basis that they showed a “non-commitment to the advancement [of] new science and upgrade of industry.” (Compl. 1.) In addition, Mr. Bowhall alleges that Defendants disregarded his political concerns about anti-trust and patent reform laws, establishment of a third party Congress, and campaign finance reform legislation. (Compl. 2, 8-15.) He also opposes the “[n]omination of a non-natural born citizen to office of [the] President [of the United States] in the 2009 election year.” (Compl. 7.) Mr. Bowhall’s factual allegations against all parties, both governmental and non-governmental Defendants, are clearly baseless.

Furthermore, his Complaint relies on supposed legal interests that are indisputably meritless. Mr. Bowhall’s claims for monetary damages against federal and state governmental officials are non-justiciable because of immunity and Mr. Bowhall’s lack of standing to challenge their actions. *See, e.g., United States v. Stanley*, 483 U.S. 669, 694 n.12 (1987) (explaining absolute and qualified immunity of federal and state officials); *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 573-74 (1992) (“[A] plaintiff raising only a generally available grievance about government – claiming only harm to his and every citizen’s interest in proper application of the Constitution and laws, and seeking relief that no more directly

and tangibly benefits him than it does the public at large – does not state an Article III case or controversy.”) Further, his claim that the President is a non-natural born citizen is not justiciable by this court. *See Lujan*, 504 U.S. at 573-74; *see also Rhodes v. MacDonald*, 670 F. Supp. 2d 1363, 1376-77 (M.D. Ga. 2009) (explaining the proper constitutional procedure for review of the President’s qualifications and noting that the mechanism “does not involve the judiciary”).

Mr. Bowhall’s remaining claims against non-governmental parties, both political organizations and a private corporation, fail because they do not state a claim for which relief can be granted. The court knows of no legal theory by which a plaintiff can recover from a private organization or corporation simply because it failed to pursue an unsolicited proposal from a private citizen. (Compl. 9-10.)² Mr. Bowhall’s attempts to dress such accusations as fraud and deceit, negligent misrepresentation, unfair competition, unjust enrichment, and civil conspiracy do nothing to transform his claims into a plausible legal theory. Nor has he pled facts sufficient to state a claim on any of those named legal theories. *See Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1950 (2009) (holding that a complaint is due to be dismissed when it merely “tenders naked assertions devoid of further factual enchantment”) (internal citations omitted).

² In one claim for relief, Mr. Bowhall “requests the court to consider endangerment status to be [e]nacted on behalf of his person, properties, intellectual or otherwise, and his DNA, as [he] is the only male child of [his] parents union.” (Compl. 19.)

Accordingly, it is ORDERED as follows:

1. The Order referring this case to Magistrate Judge Terry F. Moorer (Doc. # 4) is VACATED.
2. Plaintiff's objection (Doc. # 6) is OVERRULED.
3. Plaintiff's motion for extension of time (Doc. # 5) is DENIED.
4. Plaintiff's motion to proceed *in forma pauperis* (Doc. # 2) is GRANTED for the purposes of this Complaint.
5. Plaintiff's claims against Defendants are DISMISSED without prejudice prior to service of process pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(iii). An appropriate final judgment will be entered.

DONE this 30th day of November, 2010.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE