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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHALONER SAINTILLUS,

Plaintiff,

v.

UNITED STATES SUPREME COURT, et
al.,

Defendants.

No. 2:23-cv-0776 AC P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a county jail inmate proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983, and he has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. ECF Nos. 1, 2. This proceeding was referred to the undersigned by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

For the reasons stated below, plaintiff’s application to proceed in forma pauperis will be granted. In addition, it will be recommended that this matter be dismissed with prejudice.

I. IN FORMA PAUPERIS APPLICATION

Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). ECF No. 2. Accordingly, the request to proceed in forma pauperis will be granted.

Plaintiff is required to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. §§ 1914(a), 1915(b)(1). By this order, plaintiff will be assessed an initial partial filing fee in

1 accordance with the provisions of 28 U.S.C. § 1915(b)(1). By separate order, the court will direct
2 the appropriate agency to collect the initial partial filing fee from plaintiff's trust account and
3 forward it to the Clerk of Court. Thereafter, plaintiff will be obligated for monthly payments of
4 twenty percent of the preceding month's income credited to plaintiff's prison trust account.
5 These payments will be forwarded by the appropriate agency to the Clerk of Court each time the
6 amount in plaintiff's account exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C. §
7 1915(b)(2).

8 II. SCREENING REQUIREMENT

9 The court is required to screen complaints brought by prisoners seeking relief against a
10 governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The
11 court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally
12 "frivolous or malicious," that fail to state a claim upon which relief may be granted, or that seek
13 monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1), (2).

14 A claim is legally frivolous when it lacks an arguable basis either in law or in fact.
15 Neitzke v. Williams, 490 U.S. 319, 325 (1989); Franklin v. Murphy, 745 F.2d 1221, 1227-28 (9th
16 Cir. 1984). The court may, therefore, dismiss a claim as frivolous where it is based on an
17 indisputably meritless legal theory or where the factual contentions are clearly baseless. Neitzke,
18 490 U.S. at 327. The critical inquiry is whether a constitutional claim, however inartfully
19 pleaded, has an arguable legal and factual basis. See Jackson v. Arizona, 885 F.2d 639, 640 (9th
20 Cir. 1989); Franklin, 745 F.2d at 1227.

21 A complaint, or portion thereof, should only be dismissed for failure to state a claim upon
22 which relief may be granted if it appears beyond doubt that plaintiff can prove no set of facts in
23 support of the claim or claims that would entitle him to relief. Hishon v. King & Spalding, 467
24 U.S. 69, 73 (1984) (citing Conley v. Gibson, 355 U.S. 41, 45-46 (1957)); Palmer v. Roosevelt
25 Lake Log Owners Ass'n, 651 F.2d 1289, 1294 (9th Cir. 1981). In reviewing a complaint under
26 this standard, the court must accept as true the allegations of the complaint in question, Hosp.
27 Bldg. Co. v. Rex Hosp. Trustees, 425 U.S. 738, 740 (1976), construe the pleading in the light

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1 most favorable to the plaintiff, and resolve all doubts in the plaintiff's favor, Jenkins v.
2 McKeithen, 395 U.S. 411, 421 (1969).

3 III. THE COMPLAINT

4 Plaintiff names the United States Supreme Court, the United States Congress, the United
5 States of America, the Internal Revenue Service, and Social Security Commissioners as
6 defendants. ECF No. 1 at 1. He alleges violations of his rights under the Thirteenth Amendment
7 and 18 U.S.C. §§ 241-242.¹ He states that he has been harmed because he has been subject to the
8 jurisdiction of the United States, a corporation, and he has been illegally incarcerated in several
9 institutions throughout the United States. ECF No. 1 at 3. Plaintiff considers the United States of
10 America to be a “fictitious foreign state.” Id. at 8. He asks the court to recognize the “Moorish-
11 American Nation” as “a pure and clean nation” id. at 8, and he seeks an injunction recognizing his
12 “rightful proper nationality,” id. at 6. Plaintiff also seeks damages in the amount of ten million
13 dollars. Id.

14 The attachments to the complaint, totaling over 70 pages, are documents related to
15 Moorish America and the Moorish Haitian-American Nation. Id. at 11-82. Some of these
16 documents are in the form of legal and governmental documents, others appear to be religious.
17 Id.

18 IV. DISCUSSION

19 A. Federal Actors and Entities Cannot Be Sued Under Section 1983, and No *Bivens*
20 Action is Available

21 42 U.S.C. § 1983 creates civil liability for individuals and entities who violate a plaintiff's
22 federal constitutional rights “under color of State law.” The only proper defendants in a Section
23

24 ¹ 18 U.S.C. § 241 – Conspiracy Against Rights – permits the assessment of fines against two or
25 more persons who conspire to injure, oppress, threaten or intimidate any person in any state in the
26 free exercise of any right secured by the Constitution or laws of the United States.

27 18 U.S.C. § 242 – Deprivation of Rights Under Color of Law – permits the assessment of fines
28 against or the imprisonment of individuals who willfully subject any person to the deprivation of
rights secured under the Constitution or laws of the United States or to different punishments on
account of such person being an alien or by reason of his color or race than are prescribed for the
punishment of citizens.

1 1983 lawsuit are state and local officials and municipal entities. Federal officials and entities
2 cannot be sued under the statute. See Stonecipher v. Bray, 653 F.2d 398, 401 (9th Cir. 1981)
3 (federal agency cannot be sued under § 1983 because its agents perform no acts under color of
4 state law). Because the complaint names only federal officials and entities as defendants, plaintiff
5 fails to state any claim under Section 1983. This is not a defect that can be cured by amendment.

6 Bivens actions,² the federal corollary to Section 1983, do not extend to alleged violations
7 of the Thirteenth Amendment. See Ziglar v. Abbasi, 582 U.S. 120, 131, 135 (2017) (Bivens has
8 been extended beyond the search and seizure context only to gender discrimination and Eighth
9 Amendment medical care claims, and further extensions are disfavored). Accordingly, the
10 complaint cannot be construed as presenting a putative Bivens claim.

11 B. The Named Defendants are Entitled to Sovereign Immunity

12 “Absent a waiver, sovereign immunity shields the Federal Government and its agencies
13 from suit.” F.D.I.C. v. Meyer, 510 U.S. 471, 475 (1994). The federal government cannot be sued
14 without its consent. United States v. Navajo Nation, 556 U.S. 287, 289 (2009); see also Dolan v.
15 United States Postal Service, 546 U.S. 481, 484 (2006). The complaint identifies no statutory
16 cause of action in which Congress has waived sovereign immunity on behalf of the United States.
17 Accordingly, all named defendants are absolutely immune from suit.

18 C. Alleged Violations of Criminal Statutes Cannot Support Civil Liability

19 Plaintiff’s first cause of action appears to allege “denationalization” in violation of 18
20 U.S.C. §§ 241 and 242. ECF No. 1 at 3. Title 18 of the United States Code is the Criminal Code.
21 “Criminal proceedings, unlike private civil proceedings, are public acts initiated and controlled by
22 the Executive Branch.” Clinton v. Jones, 520 U.S. 681, 718 (1997). Accordingly, Title 18 does
23 not establish any private right of action and cannot support a civil lawsuit. See Aldabe v. Aldabe,
24 616 F.2d 1089, 1092 (9th Cir. 1980) (criminal provisions provide no basis for civil liability).

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27 ² Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 388 (1971) (recognizing cause of
28 action against federal officials for violation of the Fourth Amendment's prohibition against
unreasonable search and seizures).

1 2. Plaintiff's request for leave to proceed in forma pauperis (ECF No. 2) is GRANTED;
2 and,

3 3. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. Plaintiff
4 is assessed an initial partial filing fee in accordance with the provisions of 28 U.S.C.
5 § 1915(b)(1). All fees shall be collected and paid in accordance with this court's order to the
6 Director of the California Department of Corrections and Rehabilitation filed concurrently
7 herewith.

8 IT IS FURTHER RECOMMENDED that this matter be DISMISSED with prejudice.

9 These findings and recommendations are submitted to the United States District Judge
10 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
11 after being served with these findings and recommendations, plaintiff may file written objections
12 with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings
13 and Recommendations." Plaintiff is advised that failure to file objections within the specified
14 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
15 (9th Cir. 1991).

16 DATED: May 3, 2023

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18 ALLISON CLAIRE
19 UNITED STATES MAGISTRATE JUDGE
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