

RECEIVEDUSDC, WESTERN DISTRICT OF LA
TONY R. MOORE, CLERKDATE 9/1/11**UNITED STATES DISTRICT COURT****WESTERN DISTRICT OF LOUISIANA****MONROE DIVISION****JAMES S. FELKNOR
(SANCTION/BARRED)
VERSUS****CIVIL ACTION 3:11CV1488****JUDGE JAMES****ROBERT H. FELKNOR, ET AL****MAGISTRATE JUDGE HAYES****MEMORANDUM ORDER**

James S. Felknor ("Plaintiff") filed this *pro se* civil Complaint [Doc. No. 1] against six relatives, the United States Air Force, the United States Secretary of Defense, the Department of Veteran Affairs Hospital, and the Michael E. Debakey Hospital accusing them of defamation of his character and of not informing him of the severity of his injuries. Plaintiff paid the filing fee of \$350.00. Plaintiff also filed a Motion to Appoint Counsel [Doc. No. 2].

Plaintiff has filed nine civil complaints and a habeas petition since 2010 alone. Plaintiff was advised by this Court in Civil Action 10-1020 that he must first present any complaint he intends to file to a district judge of this court who must authorize that the complaint may be filed. If the complaint is not authorized by a district judge, the complaint will be stricken from the record and the case closed. Plaintiff's last complaint was filed just three weeks ago in Civil Action 11-1430. That complaint was stricken from the record on August 30, 2011.

Less than two weeks ago, the United States Court of Appeals for the Fifth Circuit denied Plaintiff's appeal from a case in this Court and gave Plaintiff a second sanctions warning after noting his history of repetitive and frivolous filings. *See Felknor v. Felknor*, No. 10-31042, 2011 WL

3652611 (5th Cir. Aug. 19, 2011) (appealing Civil Action 10-1259.); *see also Felknor v. United States of America*, No. 10-31013, 2011 WL 2636906 (5th Cir. July 6, 2011) (first sanctions warning).

Plaintiff now comes before the Court to present his current Complaint.

Plaintiff's Complaint is difficult to read, and it is hard to determine what claims he alleges. Plaintiff appears to allege that "this case is one of deffamation [sic] of my charicter [sic] by a very large number of defendants and involves primarily my family members." [Doc. No. 1]. He claims the total number of defendants "is so extensive I am not even sure as it seems to be me to even still being increased as I pen this complaint." [Doc. No. 1].

Plaintiff also appears to allege that the Air Force did not inform him of the severity of his injuries. He claims these injuries made it hard in his daily life and created problems in his marriage. Plaintiff further claims that the Air Force, Secretary of Defense and Department of Veterans Affairs Hospital and Michael E. Debakey Hospital did not fix his back problems.

Plaintiff attaches to his Complaint a list of relatives who allegedly spread "rumors" about Plaintiff to the businesses listed. It is unclear from the Complaint what relief Plaintiff seeks from these Defendants.

To avoid dismissal for failure to state a claim, a plaintiff's complaint must plead enough facts to "state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 129 S.Ct. 1937 (1949) (quoting *Bell Atl. Corp. v. Twombly*, 127 S. Ct. 1955 (2007)). "[P]ro se complaints are held to less stringent standards than those drafted by lawyers," but even in a pro se complaint "conclusory allegations or legal conclusions masquerading as factual conclusions will not suffice to prevent a motion to dismiss." *Taylor v. Books A Million, Inc.*, 296 F.3d 376, 378 (5th Cir. 2002).

It is clear that Plaintiff is at odds with his family. However, Plaintiff has, yet again, failed to allege any plausible claim on the face of the Complaint to allow the Court to exercise federal question or diversity jurisdiction or any other form of subject matter jurisdiction. Therefore,

IT IS ORDERED that Plaintiff's Complaint is **STRICKEN**.

IT IS FURTHER ORDERED that Plaintiff's Motion to Appoint Counsel is **DENIED AS MOOT**.

MONROE, LOUISIANA, this 31st day of August, 2011.

A handwritten signature in black ink, reading "Robert G. James". The signature is written in a cursive style with a horizontal line underneath it.

**ROBERT G. JAMES, CHIEF JUDGE
WESTERN DISTRICT OF LOUISIANA**