

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BAHIG F. BISHAY, )  
Plaintiff, )  
v. )  
CIRCUIT JUDGE GUSTAVO A. )  
GELPI, et al., )  
Defendants. )  
\_\_\_\_\_  
)

**CIVIL ACTION**  
**No. 24-12331-IT**

MEMORANDUM AND ORDER  
March 12, 2025

As set forth below, this action was filed in violation of a federal court injunction requiring Bahig F. Bishay to obtain leave of court before filing a complaint. The complaint fails to survive such screening and is therefore DISMISSED with prejudice.

**I. Background**

On April 5, 2023, prior to this action being filed, the United States District Court for the District of Columbia enjoined Bishay from filing any civil action in the District Court for the District of Columbia “or any other federal court without first obtaining leave of that court.” Mem. & Order (“the Injunction”). *Bishay v. Harris*, 668 F. Supp. 3d 9 (D.D.C. 2023), *aff’d*, No. 23-5019, 2023 WL 6784306 (D.C. Cir. Oct. 6, 2023) (per curiam), *reh’g en banc denied*, 2023 WL 8836773 (D.C. Cir. Dec. 20, 2023).<sup>1</sup>

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<sup>1</sup> Bishay had similarly been enjoined from filing actions in the Massachusetts state courts, *Lombard v. Bishay*, 87 Mass. App. Ct. 1135, at \*1 (2015), and from filing petitions in the Massachusetts Supreme Judicial Court, *Bishay v. Superior Ct. Dep’t of the Trial Ct.*, 487 Mass. 1012, 1013 (2021). Since this action was filed, a District Judge in this District has also barred Bishay from filing new actions in the District of Massachusetts, without first obtaining leave to

Despite the Injunction, on September 3, 2024, Bishay initiated this action without seeking leave of court. [Doc. No. 1].

On November 1, 2024, the assigned district judge dismissed the instant action. Following this dismissal, Bishay filed motions seeking to place the dismissal in abeyance as well as motions for recusal. [Doc. Nos. 13, 16]. On March 10, 2025, the assigned judge recused herself and vacated the judgment of dismissal. Elec. Order [Doc. No. 22]. The case was then reassigned to the undersigned. [Doc. No. 24].

## **II. Discussion**

As Bishay knows from rulings in earlier cases, this court may recognize and enforce an injunction issued outside the District of Massachusetts. *See Mem. & Order* [Doc. No. 5 at 3] *In re: Bahig F. Bishay*, No. 24-mc-91061 (D. Mass. May 20, 2024) (collecting cases). Here, Bishay filed this action without first obtaining leave to file, as required by the Injunction. Because he did not seek, and receive, leave to file this action, it is subject to dismissal.

The court has considered Bishay's November 4, 2024 motion seeking to place the prior dismissal in abeyance. *See Mot.* [Doc. No. 13]. Bishay asserted that holding the matter in abeyance was warranted in light of relief he was seeking in the U.S. Court of Appeals for the District of Columbia Circuit, in docket number 24-5197. Bishay's then-pending motion has since been resolved, however, where the D.C. Circuit has entered judgment affirming the D.C. District Court's dismissal of Bishay's case and has denied the motion referenced by Bishay.

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do so. *Mem. & Order, Bishay v. Ocwen Financial Corp., et al.*, No. 24-12661 (D. Mass. Oct. 30, 2024).

In addition, the court finds the complaint without legal merit. Although the claims in the complaint are asserted against federal judges in their individual capacities, each of the defendants enjoys judicial immunity from suit because the allegations in the complaint concern their exercise of judicial authority.

### **III. Conclusion**

Based upon the foregoing, this action is DISMISSED. The Clerk shall enter a separate order of dismissal.

SO ORDERED.

March 12, 2025

/s/ Indira Talwani  
UNITED STATES DISTRICT JUDGE