

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KAMAL KARNA ROY,

Plaintiff,

v.

Case No. 09-11905
Honorable Patrick J. Duggan

UNITED STATES GOVERNMENT, et al.,

Defendants.

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on May 21, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

Plaintiff Kamal Karna Roy, a/k/a Jungle Democracy, filed this pro se action on May 19, 2009. Plaintiff has submitted an application to proceed in forma pauperis, which this Court grants. The Court, however, dismisses his action sua sponte.

In a case where the plaintiff is permitted to proceed in forma pauperis, 28 U.S.C. § 1915(e)(2) requires the court to dismiss the action if: “(A) the allegation of poverty is untrue; or (B) the action . . . – (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” An action is frivolous if it “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325, 109 S. Ct. 1827, 1831-32 (1989).

A malicious complaint is one that “duplicates allegations of another pending federal lawsuit by the same plaintiff.” *Roy v. United States*, No. 06-685-SLR, 2007 WL 1109296, at *2 (D. Del. April 11, 2007) (citing *Pittman v. Moore*, 908 F.2d 994, 995 (5th Cir. 1993)). This Court finds that Plaintiff’s pending lawsuit is both frivolous and malicious.

With regard to frivolousness, Plaintiff’s submission is comprised of multiple pages containing illegible hand-written notations scrawled across them. Even where the Court is able to read Plaintiff’s ramblings, it is unable able to identify a comprehensible sentence, let alone a “(1) a short and plain statement of the grounds upon which the court’s jurisdiction depends . . .” or “(2) a short and plain statement of the claim showing that the pleader is entitled to relief,” as required under Rule 8 of the Federal Rules of Civil Procedure. The Court is not even certain who Plaintiff intends to sue in this case, as his submission does not contain a traditional caption. The Court has only discerned that he is suing the United States because his application to proceed in forma pauperis lists “USA Govt et al.”

With respect to maliciousness, Plaintiff has filed numerous actions in jurisdictions throughout this country, similar to the action now pending. One district court judge identified more than fifteen cases filed by Plaintiff as of April 2007. *See Roy v. United States*, No. 06-685-SLR, 2007 WL 1109296, at *1 (D. Del. April 11, 2007). Westlaw and the U.S. Party/Case Index, PACER Service Center, available at <http://pacer.psc.uscourts>,

reveal at least ninety (90) additional cases filed by Plaintiff as of today's date. *See* Attachment A. Many of these previous lawsuits have been dismissed as frivolous by the courts in which they were filed.¹ Courts in many jurisdictions have either warned Plaintiff that future similar filings will result in an injunction barring him from filing any additional actions in forma pauperis or denied him the right to file any additional actions without leave from the court outright.

“A district court has the authority to issue an injunctive order to prevent prolific and vexatious litigants from filing pleadings without first meeting pre-filing restrictions.” *Stewart v. Fleet Fin.*, No. 99-2282, 2000 WL 1176881, at *2 (6th Cir. Aug. 10, 2000) (citing *Feathers v. Chevron U.S.A.*, 141 F.3d 264, 269 (6th Cir. 1998)). In light of Plaintiff's history of initiating repetitive and frivolous lawsuits and to avoid clogging the dockets in this jurisdiction with such filings, this Court enjoins Plaintiff from filing similar complaints in this district without leave of court. This means that, unless leave of court is granted, Plaintiff is barred from filing any complaint in this jurisdiction that is illegible or that fails to plainly identify the named defendants, the claims alleged, facts supporting those claims, and the relief requested.

Accordingly,

IT IS ORDERED, that Plaintiff's application to proceed in forma pauperis is

¹One court permanently enjoined Plaintiff from filing any subsequent cases after it found sewing needles stuck into two pages of his complaint. *Roy v. CBS, Inc.*, No. 07-206-SLR (D. Del. May 4, 2007).

GRANTED;

IT IS FURTHER ORDERED, that Plaintiff's complaint is **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2);

IT IS FURTHER ORDERED, that Plaintiff is enjoined from filing similar complaints in this district unless he seeks and obtains leave of court.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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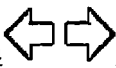
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