Raimondo v. Hood et al Doc. 4

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

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Plaintiff,

vs.

Case No. 10-CV-15107 HON. GEORGE CARAM STEEH

DENISE PAGE HOOD, et al.,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Joseph Raimondo, filed a seven count complaint on December 23, 2010 against the Honorable Denise Page Hood, United States District Judge, among other officers, judicial and otherwise. Plaintiff's complaint has not yet been served.

Plaintiff's 100-page, incoherent, and rambling complaint is subject to dismissal. Raimondo paid the requisite filing fee, therefore his complaint is not subject to screening for *sua sponte* dismissal under 28 U.S.C. § 1915(e)(2). *Benson v. O'Brian*, 179 F. 3d 1014 (6th Cir. 1983). Generally, a court may not *sua sponte* dismiss a complaint where the filing fee has been paid unless the court gives the plaintiff notice and an opportunity to amend the complaint. *Tingler v. Marshall*, 716 F. 2d 1109, 1111-12 (6th Cir. 1983). However, "a district court may, at any time, *sua sponte* dismiss a complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations of a complaint are totally implausible, attenuated, unsubstantiated, frivolous,

devoid of merit, or no longer open to discussion." Apple v. Glenn, 183 F. 3d 477, 479 (6th

Cir. 1999).

The gist of plaintiff's allegations appear to be his dissatisfaction with the Honorable

Denise Page Hood's rulings concerning five cases previously filed by plaintiff. Plaintiff's

unsubstantiated allegations against a judicial officer of this court are totally implausible, and

devoid of any merit. The court notes that this is the second complaint filed by plaintiff

containing similar incoherent, unsubstantiated and totally implausible allegations. See

Raimondo v. United States District Court Judge Denise Page Hood, case number 06-cv-

15007 (Hon. John Corbett O'Meara). Plaintiff's complaint is dismissed in its entirety.

Apple, 183 F.3d at 479.

Accordingly,

Plaintiff Joseph Raimondo's December 23, 2010 complaint is hereby DISMISSED.

SO ORDERED.

Dated: January 12, 2011

s/George Caram Steeh **GEORGE CARAM STEEH**

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on January 12, 2011, by electronic and/or ordinary mail and also to Joseph Raimondo at P.O. Box 330, Armada, MI 48005.

s/Josephine Chaffee

Deputy Clerk

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