

MADIE RUTH JACKSON	§	PLAINTIFF
	§	
v.	§	CIVIL NO.: 1:17cv97-HSO-JCG
	§	
BARACK OBAMA,	§	
JULIE THEATER,	§	
BEVERLY STRICKLAND,	§	
FELICIA DUNN BURKES,	§	
TONYA WYDER,	§	
FAINT ROBERT WALKER <i>Judge,</i>	§	
NESCATERICA BATES,	§	
UNITED STATES GOVERNMENT,	§	
PRINCE WILLIAM WALES,	§	
KATE MIDDLETON,	§	
OPRAH WINFREY,	§	
JAY Z,	§	
BEYONCE KNOWLES,	§	
WANDA SMITH,	§	
RONYELLE RHODES,	§	
HIGHLAND HOSPITAL DOCTORS,	§	
MICHELLE OBAMA, and	§	
WLOX.	§	DEFENDANTS

BEFORE THE COURT is the Report and Recommendation [7] of United States Magistrate Judge John C. Gargiulo, entered in this case on May 3, 2017, recommending that this civil action be dismissed. R. & R. [7] at 1. After reviewing the record and relevant legal authority, the Court finds that the Report and Recommendation [7] should be adopted in its entirety as the finding of the Court, and that Plaintiff's claims should be dismissed.

I. FACTS AND PROCEDURAL HISTORY

Plaintiff, who is *pro se* and proceeding *in forma pauperis*, filed a Complaint [1] in this Court on April 4, 2017, against Nescaterica Bates, Felicia Dunn Burkes, Highland Hospital Doctors, Jay Z, Beyonce Knowles, Kate Middleton, Barack Obama, Michelle Obama, Ronyelle Rhodes, Wanda Smith, Beverly Strickland, Julie Theater, United States Government, WLOX, Prince William Wales, Faint Robert Walker, Oprah Winfrey, and Tonya Wyder. Compl. [1] at 1-2. Plaintiff claims that Defendants Barack Obama, Prince William, and Julie Theater are harassing her in various ways, including recording her, torturing her, and wiretapping her. *See* Compl. [1] at 6-7. The Complaint [1] contains no allegations regarding the other fifteen Defendants named in the caption. *See id.*

This lawsuit is nearly identical to a suit filed by Plaintiff on October 17, 2016, against most of these same Defendants. This Court dismissed the prior suit on March 22, 2017, on grounds that Plaintiff's claims were factually frivolous and because the Court lacked federal subject-matter jurisdiction. *See Jackson v. Obama*, Civil No. 1:16-cv-379-HSO-JCG.

On April 11, 2017, the Court issued an Order [4] in this case requiring Plaintiff to submit a brief demonstrating that federal subject-matter jurisdiction exists and that her claims are not factually frivolous. Order [4] at 1. Plaintiff was further ordered to demonstrate why the fifteen Defendants against whom she had stated no allegations should not be dismissed for failure to state a claim upon which

relief may be granted. *Id.* at 1-2. The Court advised Plaintiff that this case would be dismissed without further notice to Plaintiff if she failed to file the required brief, and she was further warned that she may be subject to sanctions for filing repetitive and frivolous lawsuits, including being prohibited from filing future *pro se* complaints in this Court without first obtaining leave to do so. *Id.* at 6-7.

Plaintiff filed a Response Brief on April 17, 2017, that did not address the existence of federal subject-matter jurisdiction. *See* Pl.'s Br. [5]. Plaintiff attempted to comply with the Court's Order [4] to explain with factual specificity why she had sued each Defendant, explaining that Defendant Obama is "using a remote to fill [her] with each individual [Defendant] named on the case now. . . All defendants pays [her] not to think for Barack Obama." *Id.* at 2.

The Magistrate Judge entered a Report and Recommendation [7] on May 3, 2017, recommending that Plaintiff's case be dismissed for failure to demonstrate federal subject-matter jurisdiction. R. & R. [7] at 1. The Magistrate Judge found that dismissal is also warranted pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), the federal statute governing *in forma pauperis* proceedings, because Plaintiff's claims are factually frivolous. *Id.* The Magistrate Judge further recommended that Plaintiff should receive a sanctions warning because she has filed two repetitive and frivolous lawsuits within a 6-month time period. *Id.* at 8. Plaintiff has not filed any objection to the Report and Recommendation [7] to date, and the time for doing

so has passed.¹

II. ANALYSIS

Where no party has objected to a magistrate judge's proposed findings of fact and recommendation, a court need not conduct a de novo review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, a court need only review the proposed findings of fact and recommendation and determine whether they are either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Based on the record before this Court, and having conducted the required review, the Court is of the opinion that the recommendation of the Magistrate Judge is neither clearly erroneous nor contrary to law. The Court has reviewed and construed liberally the allegations set forth in Plaintiff's Complaint [1] and Response Brief [5] to the Court's Order [4] requiring briefing on jurisdiction, and

¹ A copy of the Report and Recommendation [7] was mailed to Plaintiff at her address of record via certified mail on May 3, 2017. The United States Postal Service website reflects that the Report and Recommendation [7] was delivered to Plaintiff's residence on May 8, 2017. *See* USPS TRACKING, <https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=2&text28777=&tLabels=70141820000149952333%2C>.

Plaintiff was required to file any objections by May 22, 2017, pursuant to Local Uniform Civil Rule 72(a)(3). On May 23, 2017, Plaintiff called the Court to inquire whether she could obtain an extension of the deadline to file objections. Plaintiff was informed that any request for an extension needed to be submitted to the Court in writing. As of this date, no request for an extension has been filed.

agrees with the Magistrate Judge's recommendation that Plaintiff's claims must be dismissed for lack of federal subject-matter jurisdiction. Even if the Court did have jurisdiction, Plaintiff's claims should be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) because they "rise to the level of the irrational or the wholly incredible." *Denton v. Hernandez*, 504 U.S. 25, 33 (1992).

Plaintiff is cautioned that the Court may impose sanctions upon finding that an individual has filed repetitive, frivolous lawsuits, including refusing to allow the individual to file additional *pro se* complaints without first obtaining leave of Court to do so. *See Tribbit v. Ward*, 81 F.3d 156, 156 (5th Cir. 1996).

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendation [7] of United States Magistrate Judge John C. Gargiulo entered in this case on May 3, 2017, is adopted in its entirety as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, this civil action is **DISMISSED**. Plaintiff is hereby warned that the Court may impose sanctions when it finds that an individual has abused process by filing repetitive, frivolous lawsuits. A separate judgment will be entered in accordance with this Order as required by Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED, this the 2nd day of June, 2017.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE