

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

PAUL MARK DE LA O JR.,

Plaintiff,

v.

No. 2:21-cv-00801-RB-KRS

FOOD & DRUG ADMINISTRATION and
CENTERS FOR DISEASE CONTROL,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

THIS MATTER comes before the Court on *pro se* Plaintiff's Amended Civil Rights Complaint Pursuant to 42 U.S.C. § 1983, filed September 7, 2021. (Doc. 10.)

In his original Complaint, Mr. De La O asserted that Defendants Food & Drug Administration (FDA) and Centers for Disease Control (CDC) were guilty of several crimes, injured his health by promoting products which contain chemicals and promoting vaccinations for COVID-19, and invaded his privacy. (*See* Doc. 1.)

United States Magistrate Judge Kevin R. Sweazea notified Mr. De La O that the Complaint should be dismissed because allegations that a defendant is “promoting” a product or vaccinations and/or that a defendant invaded his privacy, without more, are insufficient to state a claim. (*See* Doc. 8.) Judge Sweazea also notified Plaintiff that “to state a claim in federal court, a complaint must explain what each defendant did to him or her; when the defendant did it; how the defendant’s action harmed him or her; and, what specific legal right the plaintiff believes the defendant violated.” (*Id.* at 3 (quoting *Nasious v. Two Unknown B.I.C.E. Agents, at Arapahoe Cty, Justice Ctr.*, 492 F.3d 1158, 1163 (10th Cir. 2007)).) Judge Sweazea ordered Mr. De La O to file an amended complaint. (*Id.*)

The Amended Complaint similarly fails to state a claim upon which relief can be granted.

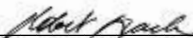
Mr. De La O alleges Defendants FDA and CDC:

are guilty of psychologically abusing me, physically abusing me, & invasion of privacy. Their actions include & are not limited to: inflicting on my mental health, physically endangering my life, willfully poisoning me by allowing harmful chemicals to be added into several food products

The FDA is guilty of continuously pushing and/or enforcing vaccines The actions of which the (FDA) . . . and CDC . . . are guilty of committing including and are not limited to: allowing and/or advertising, and/or promoting and/or permitting and/or inciting . . . inoculation use for corona virus . . . in spite of indications contradicting overall effectiveness . . . shipping of food, beverages, and goods despite all health code (variants) regulations involving COVID-19 . . . over-the-counter medications . . . ad campaigns

(Doc. 10 at 2, 7–8.) Despite Judge Sweazea’s notice of the elements necessary to state a claim, the Amended Complaint does not allege facts explaining with particularity what Defendants FDA and CDC did *to* Mr. De La O, *when* they did it, and how *their actions* harmed him. The Court dismisses this case because the Amended Complaint fails to state a claim.

IT IS ORDERED that this case is **DISMISSED without prejudice**.



ROBERT C. BRACK
SENIOR U.S. DISTRICT JUDGE