

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SISTER MONIE MA'AT RA BEY & BROTHER
MAURICE MOSIRIS RA BEY,¹

Plaintiffs,

MEMORANDUM & ORDER
23-CV-2783 (EK) (LB)

-against-

MALINI DEODAT; OMADAT DEODAT; SETH
ROSENFELD; CIVIL COURT OF THE CITY
OF NEW YORK, COUNTY OF QUEENS;
CLIFTON NEMBHARD; HENRY DALE; ERIC
ADAMS; and KATHY HOCHUL,

Defendants.

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ERIC KOMITEE, United States District Judge:

The plaintiffs in this case, Monie Ma'at Ra Bey and Maurice Mosiris Ra Bey, are parties to an eviction proceeding currently before the New York City Civil Court, County of Queens. See Notice of Removal, ECF No. 1, at 8. They are now seeking – for the second time – to remove that action to this Court. Neither plaintiff paid the required filing fee. See 28

¹ The caption of the submission identifies these individuals as “Moorish American Nationals of the Moroccan Empire and rightful heiress of Al Maghrib, Al Aqsa, Northwest Amexem/North America by jus sanguinis, in full life, in propria persona, sui juris, authorize rep., ex rel(s) Monique Williams (ens legis) and Maurice Richards (ens legis).” The caption of the attached landlord and tenant matter names Malini Deodat and Omadat Deodat as Petitioners and Maurice Richard, Monique Williams, John Doe and Jane Doe as Respondents. In an attached “Legal Notice!” “Monie Ma'at Ra Bey” claims to have been previously known under a “former name” of “Monique Bartholomew.” ECF No. 1 at 27. In a separate “Legal Notice!” “Maurice Mosiris Ra Bey” claims to have a “former name” of “Maurice A. Richards.” *Id.* at 31. As the pages of the submission are not consecutively paginated, the court refers to the pages assigned by the Electronic Case Filing System (“ECF”).

U.S.C. § 1914. Instead, they filed blank applications to proceed *in forma pauperis* accompanied by documents titled "Affidavit of Fact in Lieu of In Forma Pauperis." ECF Nos. 2, 3. Those documents provide no information about the plaintiffs' assets or income, let alone information sufficient to suggest, as required, that they are "unable to pay" filing fees "or give security therefore." See 28 U.S.C. § 1915(a)(1). Therefore, *in forma pauperis* status is denied. See *Deodat et al v. Richard et al*, No. 22-CV-4650 (EK), ECF No. 10 (denying IFP status in removal attempt from the same eviction proceeding by the same parties).²

Additionally, it is apparent that the court lacks subject-matter jurisdiction over this case for the same reasons it lacked jurisdiction over the plaintiffs' prior removal action. The underlying state eviction proceeding presents no federal question. See *Fax Telecommunicaciones Inc. v. AT&T*, 138 F.3d 479, 485 (2d Cir. 1998) ("Removal is proper only if the

² The 2022 removal action was effectively identical to the instant action. See *id.* Brother and Sister Ra Bey – or Maurice Richard and Monique Williams, as they referred to themselves in the prior action – did not pay the filing fee or submit an application to proceed *in forma pauperis* in that case. Instead, as here, they submitted "Affidavits In Lieu of Informa [sic] Pauperis," 22-CV-4650, ECF Nos. 2, 6, 7, 8, 9, but the documents did not establish that they were "unable to pay" the filing fees "or give security therefor." See 28 U.S.C. § 1915(a)(1). Moreover, the documents filed in the 2022 action did not provide any basis for this court's subject matter jurisdiction over the eviction action. For those reasons, the court remanded the action to the Queens County Civil Court by Order dated November 30, 2022. 22-CV-4650, ECF No. 10.

federal question appears plainly on the face of a well-pleaded complaint.”).³ “Wrongful eviction claims, whether for a temporary or final eviction, are state law claims over which this Court lacks subject matter jurisdiction.” *Allied Manor Road LLC v. Berrios*, No. , 2017 WL 5558650, *1 (E.D.N.Y. Apr. 20, 2017) (collecting cases); *see also Kheyn v. City of New York*, No. , 2010 WL 3034652, at *2 (E.D.N.Y. Aug. 2, 2010) (collecting cases) (holding that “it is well settled that the landlord-tenant relationship is fundamentally a matter of state law”). The plaintiffs also have not asserted diversity of citizenship; indeed, all parties appear to reside in New York State. Thus, remand is required. *See* 28 U.S.C. § 1447(c); *Mignogna v. Sair Aviation, Inc.*, 937 F.2d 37, 41 (2d Cir. 1991).

This action is therefore remanded to the Civil Court of the City of New York, County of Queens. The Clerk of Court is respectfully directed to send a certified copy of this Order to the Clerk of that court, to mail a copy of this Order to the plaintiffs, and to close the case. Given that this is the second baseless attempt at removal, the plaintiffs are advised that if they persist in filing frivolous or vexatious actions, the Court may enter an order barring the filing of any future *in forma pauperis* complaint without prior leave of the Court.

³ Unless otherwise noted, when quoting judicial decisions this order accepts all alterations and omits all citations, footnotes, and internal quotation marks.

28 U.S.C. § 1651; see, e.g., *In re Martin-Trigona*, 737 F.2d 1254, 1261 (2d Cir. 1984) (“Federal courts have both the inherent power and the constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out Article III functions.”); *Lau v. Meddaugh*, 229 F.3d 121, 123 (2d Cir. 2000) (a district court has the authority to issue a filing injunction when “a plaintiff abuses the process of the Courts to harass and annoy others with meritless, frivolous, vexatious or repetitive ... proceedings”).

SO ORDERED.

 /s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: June 3, 2024
 Brooklyn, New York