

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

Marsha Gilford,	)	CASE NO. 4:21 CV 176
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
Dominion Energy Ohio, <i>et al.</i> ,	)	<u>MEMORANDUM OF OPINION</u>
	)	<u>AND ORDER</u>
Defendants.	)	

This is an *in forma pauperis* action filed by *pro se* Plaintiff Marsha Gilford against Dominion Energy Ohio and its CFO James R. Chapman. (Doc. No. 1.) The Defendants have filed a motion to dismiss the Plaintiff’s Complaint pursuant to Fed. R. Civ. P. 12(b)(6) and 28 U.S.C. § 1915(e)(2)(B). (Doc. No. 5.) For the reasons stated below, the Defendants’ motion is granted.

The Plaintiff’s Complaint is virtually the same as the complaints she has filed in this Court in previous cases against other service providers. As in her prior cases, the Plaintiff alleges claims in her Complaint for fraud, extortion, and violation of § 42 U.S.C. § 1983 in this case on the basis that the Defendant failed to respond to her “Mailed communications” regarding her bills. (Doc. No. 1.) Also as in her prior cases, the Plaintiff filed a motion for a default judgment in her favor pursuant to Fed. R. Civ. P. 55 after the Defendant moved to dismiss her Complaint. (Doc. No. 8.)

For the same reasons the Court stated in its orders dismissing the Plaintiff's prior cases, the Plaintiff's similar claims in this case are frivolous, and fail to state any plausible claim upon which she may be granted relief. The Plaintiff's pleadings fail to allege any plausible claim for fraud, extortion, or any civil rights violation under § 1983, and there is no plausible basis for a default judgment in her favor. *See Gilford v. Armstrong, et al.*, Case No. 4: 21 CV 175 (N.D. Ohio \_\_\_\_, 2021); *Gilford v. Aqua Ohio, Inc., et al.*, Case No. 4: 21 CV 174 (N.D. Ohio Apr. 29, 2021).

Accordingly, for the same reasons the Court stated in its prior orders, the Defendants' motion to dismiss the Plaintiff's Complaint in this case is granted, and the Plaintiff's motion for "default judgment" is denied.

Further, in that the Plaintiff now has filed at least three frivolous lawsuits in this Court against her service providers based on the same meritless allegations and legal theories, the Court finds it necessary to warn the Plaintiff that sanctions may be imposed upon her if she files any future similar, or other frivolous, lawsuits in this district. The filing of frivolous lawsuits and motions strains an already burdened federal judiciary. As the Supreme Court has recognized: "Every paper filed with the Clerk of . . . Court, no matter how repetitious or frivolous, requires some portion of the [Court's] limited resources. A part of the Court's responsibility is to see that these resources are allocated in a way that promotes the interests of justice." *In re McDonald*, 489 U.S. 180, 184 (1989). Federal courts have both the inherent power and constitutional obligation to protect their jurisdiction from conduct which impairs the ability to carry out Article III functions and to prevent litigants from unnecessarily encroaching on judicial machinery needed by others. *See Procup v. Strickland*, 792 F.2d 1069, 1073 (11th Cir. 1986).

The Plaintiff is hereby expressly warned that if she files any further similar or other frivolous

lawsuits in this Court, the Court may impose sanctions upon her, including permanently enjoining her from proceeding *in forma pauperis* or from filing any new actions in this district without first obtaining leave of court. *See Reneer v. Sewell*, 975 F.2d 258, 260-61 (6th Cir. 1992); *Filipas v. Lemons*, 835 F.2d 1145, 1146 (6th Cir. 1987).

### **Conclusion**

Based on the foregoing, and for the reasons already stated by the Court in its orders dismissing the Plaintiffs' prior similar lawsuits, the Defendants' motion to dismiss the Plaintiff's Complaint (Doc. No. 5) is GRANTED, the Plaintiff's pending motion for a default judgment (Doc. No. 8) is DENIED, and this action is dismissed with prejudice. The Court further certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith. Further, the Plaintiff is expressly warned that she may be sanctioned as stated above if she files and future similar or other frivolous lawsuits in this Court.

IT IS SO ORDERED.

Date: May 19, 2021

/s/ John R. Adams

JOHN R. ADAMS

UNITED STATES DISTRICT JUDGE