

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS**

TEXARKANA DIVISION

BASIL A. RASHEED	§	
Plaintiff	§	
	§	
V.	§	No. 5:17CV21-JRG-CMC
	§	
JOHN RATCLIFFE, ET AL.	§	
Defendants	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. Plaintiff, proceeding *pro se*, filed objections to the Report and Recommendation. The Court conducted a *de novo* review of the Magistrate Judge's findings and conclusions.

REPORT AND RECOMMENDATION

On January 30, 2017, in reviewing Plaintiff's motion to proceed without prepayment of fees, the Magistrate Judge *sue sponte* issued a Report and Recommendation recommending Plaintiff's above-referenced cause of action be dismissed without prejudice. Noting the Court is under an independent obligation to examine its jurisdiction, the Magistrate Judge outlined some of Plaintiff's allegations as follows:

United States Constitution Violation Territorial [] Boundary law. Civil and Human Rights; conspiracy GENOCIDE Congressman John Ratcliffe was suppose[d] to help me in the recovery of my true book, Texarkana Arkansas and Texas \$40,000.00 Conspiracy, Forgery, Racism, Progress Slavery. Channel 3 new[s] Shreveport, LA

has one of my book also.

* * *

I wrote requesting the return of my book. The book was returned with traces of uranium in a white [] plastic packing. . . . Uranium was put in my refrigerator and oven the 4th day of February 2016. I went to the V.A. Veterans Affairs Clinic . . . Texarkana, Arkansas. Checked in. Filled out proper forms to be seen. I requested a Blood and Urine Test!

OUT OF MY FAMILYS' LIFE! MURDERS' ATTEMPTED.

(Compl. at pgs. 3-4). According to the Magistrate Judge, Plaintiff requests the sum of \$999,999,999.99 and that the Court stop the genocide efforts, stating that all his “books returned, medical records, business records, V.A. records, social security records, antiques, money, jewelry, [] socks, tee-shirt, underwear [sic], weather radio, pocket recorder. . . .” *Id.* at pg. 4.

The Magistrate Judge noted Plaintiff’s complaint does not present a federal question, and Plaintiff cannot plead diverse citizenship. Thus, she noted it would be futile to allow Plaintiff to amend his complaint, particularly considering the substance of Plaintiff’s allegations. *See Jones v. Greninger*, 188 F.3d 322, 326 (5th Cir. 1999)(a *pro se* complaint is properly dismissed when it would be futile to allow amendment). Thus, the Magistrate Judge recommended Plaintiff’s complaint be dismissed without prejudice for lack of subject matter jurisdiction.

OBJECTIONS

On February 7, 2017, Plaintiff filed objections to the Magistrate Judge’s Report and Recommendation. In his objections, Plaintiff states his constitutional rights have been violated, namely his right to use “Veterans’ government agenc[ies].” Docket Entry # 5 at pg. 1. Rather than attempt to paraphrase Plaintiff’s specific assertions, the Court quotes from the objections at length below:

Sleep deprivation as of Feb. 4th 2016 attempts were made in effort to drive plaintiff from properties. Notes left in house. Time to get to traveling.

* * *

The United States Constitution fixes the physical boundary of states. Here in the said to be twin cities, Texarkana, Texas and Texarkana, Arkansas vastly [sic] differen[t]. Take for fact. The Bi-State Justice Building is west of divisions of States, 'Stateline.' Yet The State of Arkansas operates agenc[ies] there in city police station, city court. Twin operation crossing state line!

* * *

[] Constitutional rights violations: civil rights; human rights, freedom of religious and political freedom. True I am a Muslim. I joined the Nation of Islam in the year of 1972. Life changed in America the only land I have ever known[]. In the year on or about 1973, three (3) was sent to establish a Temple in the Texarkana area. Sent from Kansas City Missouri. . . . The night of opening, . . . Plaintiff in the State of Arkansas was ambushed shot in the face and chest with a shotgun. . . . Attempted murder of minister Raymond [] Stanley and all inside of building. Police captured the shooters [sic] that night, released the three (3) gave them the shotgun back. . . .

Unreasonable search and seizure - Plaintiff was arrested. Home invaded all property seized. One white mens platinum watch gold. . . all clothing, shoes, sock[s], . . . all ki[t]chen utensils [sic]. The whole contents of house were taken. Plaintiff's 1967 Thunderbird. . . thousands of dollars of tools in the trunk. On or about the year 1973.

1989 convicted of a murder which offered probation victim [sic] of the crime; rob[b]ed, stab[b]ed, cut, top lip attempted to be cut off, attempted amputation, attempted castration, life long acquaintance killed.

The two men captured the same date May 1, 1988 from Dallas, Texas released. . . . Plaintiff charged with murder. . . . [N]ear bled [sic] to death eleven days and nights placed on a mattress in front [sic] of book in desk. No medical treatment.

This is contents of another true book Conspiracy Genocide. . . .

* * *

. . . State of Texas Congressman John Ratcliff[e]. Yes Plaintiff did seek aid from the Texas Congressman. In need of fourteen (14) to sixteen books removed from deliverer. The deliverer of United States mail is a constitutional right of all. With exceptions as communicated in the prisons system, it's said to be a privilege.

Uranium was said to ha[ve] been lost in the State of Texas, but retrieved. The United States government controls all uranium! How did it end up in my house[?] ‘cheating.’ All peoples with hue is not ignorant to all things. PLO Leader was poison[ed] with uranium, died in Switzerland. . . . Plaintiff has hue. Orange is not the new Black! Black is Black! . . .

* * *

Plaintiff did go to the V.A. Veterans Affairs Clinic, Texarkana Arkansas request made for only blood and urin[e] test. Plaintiff was forced into a[n] ambulance and transported to Christus St. Michael Hospital and transported to the State of Texas. Diversity citizen is fact. It well acknowledge the court do as [it] will in the twin cities in violation of the United States Constitution.

* * *

It is well understood a man with hue have no constitutional rights in your twin cities. . . . Keep your peoples out of my house low down snakes. . . .

Docket Entry # 5 at pgs. 1-4 (underlined emphasis in original). Plaintiff further asserts his privacy was invaded following his giving Congressman John Ratcliffe his “true book with illustration of bias, cheating, race discrimination. . . .” *Id.* at pg. 6. More specifically, Plaintiff asserts his house has been entered since February 4, 2016, and this is known by law enforcement. *Id.*

On February 15 and 27, Plaintiff filed two supplements, wherein he asserts police officers entered his house on February 4 and removed from his file cabinets medical records, V.A. records, social security records, business records, and military records. Docket Entry # 6 at pg. 1. According to Plaintiff, he found a dead black dog in front of his house on February 8, following the filing of his objections in the above case. *Id.* Plaintiff asserts the “dead black dog placed in front of [his] house” was a fear tactic. Docket Entry # 8 at pg. 2. Plaintiff seeks the return of all of his “case files, documents, newsletters, [and] all contents removed from the house.” *Id.* at pg. 1.

DE NOVO REVIEW

The *in forma pauperis* statute, 28 U.S.C. § 1915(d), authorizes courts to dismiss an *in forma pauperis* claim if the action is “frivolous.” *Tyler v. Carter*, 151 F.R.D. 537, 539 (S.D.N.Y. 1993), *aff’d*, 41 F.3d 1500 (2d Cir. 1994). Among the factual claims subject to § 1915(d) dismissal as frivolous “are claims describing fantastic or delusional scenarios, claims with which federal district judges are all too familiar.” *Id.* at 540. The Court agrees with the Magistrate Judge that Plaintiff’s claims, many of which reference alleged events that happened almost twenty years ago, may be so characterized.

Although Plaintiff seems to indicate in his objections that he is willing to pay the \$400 filing fee in the event his case is not dismissed,¹ as noted by the Magistrate Judge, a “plaintiff asserting fantastic or delusional claims should not, by payment of a filing fee, obtain a license to consume limited judicial resources and put defendants to effort and expense.” *Id.*

The Court has carefully reviewed Plaintiff’s complaint, the Report and Recommendation, Plaintiff’s objections to the Report and Recommendation, and Plaintiff’s two supplemental filings. The Court finds Plaintiff’s objections are without merit.

The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court.

Accordingly, it is hereby

ORDERED that Plaintiff’s above-entitled and numbered cause of action is **DISMISSED**

¹ Specifically, Plaintiff states the filing fee was \$350.00 for the last cause of action he brought in this Court (Cause No. 5:08cv192), but the “four hundred dollars filing fee will be paid.” Docket Entry # 5 at pgs 4 & 6.

WITHOUT PREJUDICE.

So ORDERED and SIGNED this 2nd day of March, 2017.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE