

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LAWRENCE E. HICKS,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
VS.)	
)	3:24-CV-0517-G-BN
CAPITAL BANK,)	
)	
Defendant.)	

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings and conclusions in this case recommending that the court dismiss this lawsuit for lack of subject matter jurisdiction or, in the alternative, because the plaintiff fails to allege a claim on which relief may be granted. *See* docket entry 6. Objections were filed. *See* docket entry 7. And, through those objections, the plaintiff specifically attempts to establish the court’s subject matter jurisdiction under 28 U.S.C. § 1331 based on an allegation that the defendant violated the Federal Reserve Act. *See id.*

But the plaintiff’s reliance on the Federal Reserve Act as a source of federal question jurisdiction here is misplaced, because “numerous district courts across the country have found that the Federal Reserve Act does not provide individuals with a

private cause of action.” *Smith v. Osvaldik*, No. 1:23-CV-01488-HBK, 2024 WL 733227, at *3 (E.D. Cal. Feb. 22, 2024) (collecting cases), *rec. adopted*, 2024 WL 1160680 (E.D. Cal. Mar. 18, 2024).

The plaintiff’s reliance on the “Bills of Exchange 1882” is similarly frivolous. See *id.* (“Similarly, the Court cannot infer any cause of action stemming from Plaintiff’s identification of the ‘Bill of Exchange Act.’ The undersigned is unable to identify any federal act by this name. Indeed, other federal district courts likewise have been unable to identify any federal statute when pro se litigants, who are attempting to avoid a debt, reference this Act. To the extent Plaintiff refers to the ‘Bills of Exchange Act of 1882’ such claims have been determined to be facially legally frivolous.”) (citations omitted).

After reviewing *de novo* those portions of the proposed findings, conclusions, and recommendation to which objection was made and reviewing the remaining proposed findings, conclusions, and recommendation for plain error, the court finds no error, the plaintiff’s objections are therefore **OVERRULED**, and the court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

And, because the plaintiff has filed numerous lawsuits in this district advancing the same frivolous theories made in this action – over which there is no federal subject matter jurisdiction – and thereby wasted limited judicial resources, he is **WARNED** that should he continue this practice, he will be subject to sanctions,

which could include monetary penalties and restrictions on his ability to prosecute actions in federal court *pro se* and *in forma pauperis*.

SO ORDERED.

March 26, 2024.



A. JOE FISH
Senior United States District Judge