

United States District Court
Southern District of Texas

ENTERED

June 28, 2017

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DAVID LOREZA JOYNER,

Petitioner,

v.

HARRIS COUNTY SHERIFF,

Respondent.

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CIVIL ACTION NO. H-17-1717

MEMORANDUM AND OPINION

David Loreza Joyner is an inmate in the Harris County Jail. He filed a petition to remove a criminal prosecution from state to federal court under 28 U.S.C. § 1455. Joyner removed on the grounds that “the State of Texas lacks absolutely any tribunal that would honor petitioner’s spiritual obligations.” Petition at 6. He asserted that “the oath governors, legislatures, and judges take as well as the robes they wear, the symbols on their flags[,] etc[., are] defined in the Holy Bible as a ‘state civil religion’ false gods and idols that petitioner is being forced to pay allegiance and patronage to.”

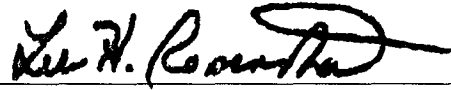
Id.

The United States Code, 28 U.S.C. § 1455(b)(4) requires a district court receiving a notice of removal to “examine the notice promptly. If it clearly appears on the face of the notice . . . that removal should not be permitted, the court shall make an order for summary remand.”

A pleading that, like Joyner’s, “is factually frivolous when the facts alleged are fantastic or delusional scenarios,” may be dismissed. *Harris v. Hegmann*, 198 F.3d 153, 156 (5th Cir. 1999) (internal quotation marks and citation omitted). Joyner’s allegations about being forced to “pay allegiance and patronage” to false gods by the oaths of office taken by others, by the clothing worn by others, and by the flags displayed in a public courtroom are in this category.

This case is dismissed. *See* 28 U.S.C. § 1455(b)(4). Final judgment is entered by separate order.

SIGNED on June 28, 2017, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", written over a horizontal line.

Lee H. Rosenthal
Chief United States District Judge