

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 20-22194-CIV-MORENO

EDWARD SHANE WEST-EL,

Plaintiff,

vs.

MARK J. BAKER,

Defendant.

ORDER DISMISSING CASE AND DENYING ALL PENDING MOTIONS AS MOOT

THIS CAUSE came before the Court upon a *sua sponte* examination of the record.

On May 26, 2020, Plaintiff filed a *pro se* Complaint. The Complaint—which seeks to invoke this Court’s jurisdiction under “The Treaty of Peace and Friendship of 1836,” as well as the “Divine Constitution and By-Laws of the Moorish Science Temple of America” appears to allege that Plaintiff’s due process and equal protection rights were violated when he was inadequately paid for his work as a longshoreman. As a result of these alleged violations, Plaintiff seeks \$100,000 in compensatory damages and \$100,000 in punitive damages from the Defendant.

Under 28 U.S.C. Section 1915(e)(2)(B)(i), a court “shall dismiss [an *in forma pauperis* action] at any time if the court determines that . . . the action . . . is frivolous or malicious.” According to the United States Supreme Court, a complaint is frivolous “where it lacks an arguable basis in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (discussing dismissals under former Section 1915(d), which contained the same language as current Section 1915(e)(2)(B)(i)). A court may dismiss claims under Section 1915(e)(2)(B)(i) where the claims rest on an

indisputably meritless legal theory or are comprised of factual contentions that are clearly baseless. *Id.* at 327.

In *Neitzke*, the Supreme Court provided several examples of frivolous or malicious claims. For instance, where the defendant is clearly immune from suit, or where the plaintiff alleges infringement of a legal interest which obviously does not exist, then the claim is founded on an indisputably meritless legal theory. *Id.* at 327. In addition, claims detailing fantastic or delusional scenarios fit into the factually baseless category. *Id.* at 327-28. Finally, the Court also notes that a *pro se* plaintiff must be given greater leeway in pleading his complaint. *Haines v. Kerner*, 404 U.S. 519 (1972).

The Court has reviewed the entirety of Plaintiff's *in forma pauperis* Complaint with these principles in mind. In short, the Complaint is incomprehensible; it does not state a federal cause of action and it fails to comply with pleading requirements under the Federal Rules of Civil Procedure. Therefore, the Court finds that the Complaint is frivolous under Section 1915(e)(2)(B)(i) because it does not contain "an arguable basis in law or in fact." *See Neitzke*, 490 U.S. at 327. Accordingly, it is

ADJUDGED that this case is DISMISSED, and all pending motions are DENIED AS MOOT. The Clerk is directed to close the case.

DONE AND ORDERED in Chambers at Miami, Florida, this 29th of May 2020.



FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

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PRO SE

