

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JERMAINE LAYTON CARTER,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 21-386-CFC
	:	
KRISTIN H. SCOTT,	:	
	:	
Defendant.	:	

JERMAINE LAYTON CARTER,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 21-390-CFC
	:	
KELLY L. DEVINNEY,	:	
	:	
Defendant.	:	

MEMORANDUM ORDER

At Wilmington this 30th day of June, 2022,

1. Plaintiff has engaged in filing numerous lawsuits that contain frivolous legal arguments and are vexatious and abusive of the judicial process. The lawsuits raise claims or issues regarding electronic body devices or microwaves that interfere with Plaintiff’s brain, nervous system, and/or extremities or that monitor him through eavesdropping, telepathy or communication devices, or hearing voices that threaten bodily harm. Some defendants have been sued more than once, all of the cases have been dismissed; many because Plaintiff has three strikes, fails to allege imminent harm, and he does not pay the filing fee.

2. Since November 15, 2018, Plaintiff has filed the following lawsuits in this District Court all related to foregoing, including: *Carter v. Wesley*, Civ. No. 18-1799-CFC; *Carter v. Wesley*, Civ. No. 18-2055-CFC; *Carter v. Richman*, Civ. No. 19-536-CFC; *Carter v. Wesley*, Civ. No. 19-550-CFC; *Carter v. Wesley*, Civ. No. 19-1908-CFC; *Carter v. Wesley*, Civ. No. 19-2094-CFC; *Carter v. Wesley*, Civ. No. 19-2180-CFC; *Carter v. Wesley*, Civ. No. 20-173-CFC; *Carter v. Wesley*, Civ. No. 20-220-CFC; *Carter v. Records*, Civ. No. 20-642-CFC; *Carter v. Troxler*, Civ. No. 20-1682-CFC; *Carter v. Troxler*, Civ. No. 21-018-CFC; *Carter v. Devinney*, Civ. No. 21-142-CFC; and *Carter v. Troxler*, Civ. No. 21-143-CFC. All of the foregoing cases were dismissed.

3. As a result of the numerous filings in this Court, on June 6, 2022, Plaintiff was ordered to show cause why he should not be enjoined from filing any complaint, lawsuit, or petition for writ of mandamus, filed in the United States District Court for the District of Delaware, raising claims or issues regarding electronic body devices or microwaves that interfere with his brain, nervous system, and/or extremities or that monitor him through eavesdropping, telepathy or communication devices, or hearing voices that threaten bodily harm. Plaintiff was given until July 6, 2022 to respond to the show cause order. (D.I. 9)

4. A district court has the power to enjoin vexatious litigants from filing meritless pleadings where the pleadings raise issues identical or similar to those that have already been adjudicated. See 28 U.S.C. § 1651; *Matter of Packer Ave. Assoc.*, 884 F.2d 745, 747 (3d Cir. 1989); *Yadav v. Surtees*, 87 F. App'x 271 (3d Cir. Jan. 27, 2004). The Court, in considering enjoining Plaintiff as a vexatious litigant from future

litigation, provided him sufficient notice and an opportunity to be heard in the form of a show cause order entered June 6, 2022. See *Brow v. Farrelly*, 994 F.2d 1027, 1038 (3d Cir. 1993).

5. Plaintiff filed a response to the show cause order entered in Civ. No. 21-386-CFC. He did not file a response to the show cause order entered in Civ. No. 21-390-CFC. Plaintiff responds that he should not be enjoined from filing future claims concerning the use of a body device because “if [his] body parts in any way are damaged and [he gets] hurt from the reckless use of the body device than that means that [he is] gonna need to hold somebody accountable through litigation which is his right . . . the device does exist because 21 U.S.C.A. 321(h) states the definition of it.” (D.I. 9).

6. Plaintiff’s response does not show cause why he should not be enjoined from filing any complaint, lawsuit, or petition for writ of mandamus filed in the United States District Court for the District of Delaware, raising claims or issues regarding electronic body devices or microwaves that interfere with his brain, nervous system, and/or extremities or that monitor him through eavesdropping, telepathy or communication devices, or hearing voices that threaten bodily harm. To support his position that electronic monitoring devices exist Plaintiff relies upon 21 U.S.C. § 321(h). (h)(1). For purposes of federal statutes governing medical devices, the term “device” is a broad one, encompassing instruments, machines, implants, and “other similar or related” articles, and “including any component, part, or accessory” of those articles. See 21 U.S.C. § 321(h). Plaintiff states that he files the lawsuits in the event his body parts are damaged. He does not assert he has ever been injured. Nor does he

identify the device that that could possibly harm him. His numerous claims are premised upon “allegations that are fanciful, ‘fantastic,’ and ‘delusional[.]’” See *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992); *Golden v. Coleman*, 429 F. App’x 73 (3d Cir. 2011).

IT IS THEREFORE ORDERED that:

1. Plaintiff is hereby enjoined from filing, without prior authorization of the Court, any complaint, lawsuit, or petition for writ of mandamus, raising claims or issues regarding electronic body devices or microwaves that interfere with his brain, nervous system, and/or extremities or that monitor him through eavesdropping, telepathy or communication devices, or hearing voices that threaten bodily harm.

2. Plaintiff must file a motion for leave to file with any new complaint, lawsuit, or petition for writ of mandamus that he proposes to file and must attach a copy of this memorandum order to it. The motion shall be filed as a miscellaneous case.

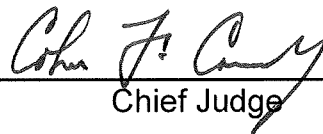
3. As an exhibit to any motion seeking such leave, there must be attached a declaration prepared pursuant to 28 U.S.C. § 1746 or a sworn affidavit certifying that (a) the document raises a new issue that has never been previously raised by the filer in this or any other court, (b) the claim or issue is not frivolous, (c) the document is not filed in bad faith, and (d) a statement as to the basis for jurisdiction and venue in the District of Delaware.

4. The Court shall deny any motion for leave to file if the proposed document is frivolous, vexatious, or harassing. If the motion is denied, the document shall not be filed. The failure to comply with this memorandum order shall be sufficient grounds for this court to deny any motion for leave to file.

5. If the motion for leave to file is granted, Plaintiff shall submit the order as evidence that he has obtained the permission of the court for the filing.

6. No document submitted by Plaintiff shall be filed prior to obtaining leave to file unless the document is specifically identified as a motion for leave to file, and unless the document contains an affidavit or sworn declaration as required by this memorandum order, and a copy of this memorandum order.

7. The Clerk's Office shall not accept any filing fees, cover sheets, applications for leave to proceed without prepayment of fees, summonses, or U.S. Marshals forms, in connection with a motion for leave to file, unless and until leave is granted.


Chief Judge