

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

MARC L. STENGEL

*

Plaintiff

-*

v

*

Civil Action No. CCB-18-3423

LARRY HOGAN,
SCOTT SHELLINGERGER,
ANNE ARUNDEL,

*

*

Defendants

*

MEMORANDUM

This civil action was filed on November 5, 2018, along with a motion to proceed in forma pauperis which shall be granted.

The self-represented pleading is captioned as an emergency motion to halt election because, in plaintiff's view, the "election is based and baked in FRAUD upon the Courts, Public and VOTERS." ECF 1 at p. 1. Plaintiff claims he was falsely incarcerated based on illegal gag orders "for providing Predators and Bullies to Authoritative Positions[.]" *Id.* He accuses Kathleen G. Cox of criminal activities, states he has provided Governor Hogan with a list of the crimes numerous times, and takes issue with the American Psychological Association which he calls "a scam and fraud." *Id.* He states that the APA ignores the abuses of children and instead protects their own membership and that "the word prevention does not exist in their vocabulary." *Id.* He further states:

I am providing CRIMES to YOU, the Federal Court System of the United States. My evidence CLEARLY and REPEATEDLY shows, the Judicial Branch of the United States of Psychosis is the Base of ALL Problems, World Wide. How is that, for a Start? That's You!

It's more than clear, you're Rules and Laws are designed by Psychosis, for Psychosis. Period! Local, State and Federal Scams to Assist EVIL.

Going on 8 years. Psychosis clearly never planned for me. How many SCAM Divorces alone are knocked out in 1 year or so? The don't know what hit them. Some will say, one had a better Lawyer. Really? Because they both benefit. . . .

Shit happens. I'm delivering among thousands of CRIMES, Local, State and Federal, but International Victims! Approval from Governor Larry Hogan, Scott D. Shellenberger, Maryland FRAUDtorney. Repeatedly Rejects Actual CRIMES with loads of Evidence backing up each Crime. That ALL, as you will see, goes ignored . . . Repeatedly. Trying to inform the VOTING public creates Fraudulent GAG Orders and False Incarceration.

ECF 1 at p. 2 (Caps in original). The eight-page document continues in the same vein and includes a five-page list of celebrities that plaintiff wishes to call as witnesses in addition to the named defendants. ECF 1-1. Plaintiff has also presented with his filing multiple CDs and very large documents which are filed separately from the electronic docket.

Plaintiff filed this action in forma pauperis pursuant to 28 U.S.C. § 1915(a)(1), which permits an indigent litigant to commence an action in this court without prepaying the filing fee. To guard against possible abuses of this privilege, the statute requires dismissal of any claim that is frivolous or malicious, or fails to state a claim on which relief may be granted. 28 U.S.C. § 1915(e)(2)(B)(i) and (ii). This court is mindful, however, of its obligation to liberally construe self-represented pleadings, such as the instant complaint. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007). In evaluating such a complaint, the factual allegations are assumed to be true. *Id.* at 93-94 (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-56 (2007)). Nonetheless, liberal construction does not mean that this court can ignore a clear failure in the pleading to allege facts which set forth a cognizable claim. *See Weller v. Dep't of Soc. Servs.*, 901 F.2d 387, 391 (4th Cir. 1990).

Factually frivolous claims involve "allegations that are fanciful, fantastic, and delusional. . . . As those words suggest, a finding of factual frivolousness is appropriate when the facts

alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them.” *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992) (internal citations and quotation marks omitted). To determine if a claim is frivolous, this court may “apply common sense.” *Nasim v. Warden, Md. House of Correction*, 64 F.3d 951, 954 (4th Cir. 1995) (en banc). Relevant here, “a private citizen lacks a judicially cognizable interest in the prosecution or non-prosecution of another.” *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973).

There is nothing contained in plaintiff’s pleading that might lead any reasonable person to believe that a viable cause of action has accrued on his behalf. Rather, the pleading simply expresses plaintiff’s apparent dissatisfaction with the lack of responses to his attempts to bring what he feels are injustices to the attention of the Governor. This court is not an appropriate forum to attempt to redress grievances that do not state a federal cause of action. Accordingly, the emergency motion must be denied and the case must be dismissed.

A separate order follows.

11/16/18
Date

CCB
Catherine C. Blake
United States District Judge