

FILED

DEC 15 2011

Clerk U.S. District & Bankruptcy
Courts for the District of Columbia

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

THOMAS FRANKLIN CROSS, JR.,

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Civil Action No.

11 2229

MEMORANDUM OPINION

This matter is before the Court for consideration of plaintiff's application to proceed *in forma pauperis* and *pro se* complaint. The Court will grant the application and dismiss the complaint.

Plaintiff, who currently is incarcerated in North Carolina, alleges that federal government and the Clerk of the Court have conspired to deny him "his 5th Amendment right to appeal judgment entered in case number 11 1940 on 25th day of October 2011, by refusing to file his notice of appeal." Compl. at 3. He demands a "permanent injunction causing defendants to immediately file [his] notice of appeal," as well as an award of court costs, attorney fees, and compensatory damages." *Id.* at 4.

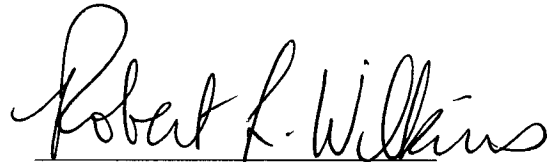
Review of the Court's docket reveals that the Clerk of Court filed plaintiff's notice of appeal on November 14, 2011 [Dkt. #5], *see* Notice of Appeal, *Cross v. United States*, No. 11-1940 (D.D.C. filed Nov. 14, 2011), and transmitted the notice of appeal to the United States

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Court of Appeals for the District of Columbia Circuit on December 6, 2011 [Dkt. #6]. It appears, then, that plaintiff's sole claim is moot.

The Court will dismiss this action for failure to state a claim upon which relief can be granted. *See* 28 U.S.C. § 1915A(b). An Order consistent with this Memorandum Opinion will be issued separately on this same date.


United States District Judge

DATE : 12/13/2011