

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

**OCT 25 2016**

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

GARLAND E. WILLIAMS,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE, *et al.*,

Defendants.

Case: 1:16-cv-02133

Assigned To : Unassigned

Assign. Date : 10/25/2016

Description: Pro Se Gen. Civil (F Deck)

**MEMORANDUM OPINION**

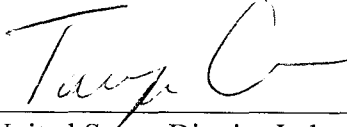
This matter is before the Court on plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. "Notwithstanding any filing fee," the Court may dismiss a case if it "determines that . . . the action . . . is frivolous or malicious." 28 U.S.C. § 1915(e)(2)(B)(i). A case may be considered malicious if it is "duplicative of prior federal court litigation then being pursued by the same plaintiff." *Pittman v. Moore*, 980 F.2d 994, 995 (5th Cir. 1993). And "[r]epetitious litigation of virtually identical causes of action is subject to dismissal under 28 U.S.C. § 1915[(e)] as malicious." *Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir. 1988) (citations omitted); see *Rogler v. U.S. Dep't of Health & Human Servs.*, 620 F. Supp. 2d 123, 131 (D.D.C. 2009) (dismissing case with prejudice where plaintiff's "[r]epetitious filing constitutes a 'frivolous or malicious' action within the meaning of 28 U.S.C. § 1915(e)(2)(B)").

It appears, to the extent the complaint is comprehensible, that plaintiff challenges the validity and enforcement of child support orders issued by state courts in Kansas and Louisiana. It further appears that plaintiff has brought substantially similar lawsuits not only in the United States District Court for the Eastern District of Louisiana. See *Garland v. U.S. Dep't of Justice*, No. 2:16-cv-0038 (E.D. La. Mar. 14, 2016) (dismissing without prejudice for failure to state

cognizable federal claim and on grounds of absolute immunity, sovereign immunity and the Eleventh Amendment); *Garland v. U.S. Dep't of Justice*, No. 2:16-cv-05500 (E.D. La. May 13, 2016) (denying without prejudice application to proceed *in forma pauperis* where court addressed issues in prior lawsuit against same defendants on near-identical grounds); *see also Williams v. Kansas State Dep't of Soc. & Rehab. Serv.*, No. 2:14-cv-1663 (E.D. La. Mar. 24, 2015), but also in the District of Colorado, *see Williams v. U.S. Dep't of Justice*, No. 1:16-cv-1983 (D. Colo. Sept. 2, 2016) (dismissing without prejudice for improper venue), the Western District of Kentucky, *see Williams v. U.S. Dep't of Justice*, No. 1:15-cv-0111 (W.D. Ky. Apr. 15, 2016) (finding venue improper and that transfer under 28 U.S.C. § 1406(a) would not be in the interest of justice in light of previously filed actions in the Eastern District of Louisiana and District of Montana); the District of Massachusetts, *see Williams v. U.S. Dep't of Justice*, No. 1:15-cv-13744 (D. Mass. Nov. 16, 2015) (“To the extent that the plaintiff is trying to relitigate issues that were adjudicated in Eastern District of Louisiana, the complaint is subject to dismissal because it is frivolous”), and the District of Montana, *see Williams v. U.S. Dep't of Justice*, No. 1:15-cv-0094 (D. Mont. Nov. 2, 2015) (dismissing without prejudice for improper venue). Two more cases are pending in the District of Kansas. *See Williams v. U.S. Dep't of Justice*, No. 2:16-cv-2655 (D. Kan. filed Sept. 26, 2016); *Williams v. U.S. Dep't of Justice*, No. 1:15-cv-2292 (D. Kan. filed May 9, 2015).

The Court will grant plaintiff's application to proceed *in forma pauperis* and dismiss the complaint with prejudice as malicious pursuant to 28 U.S.C. § 1915(e)(2)(B). An Order consistent with this Memorandum Opinion is issued separately.

DATE: 10/24/2016

  
United States District Judge