

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

EVELYN L. MIDDLETON, *pro se*,

Plaintiff,

v.

**UNITED STATES DEPARTMENT OF
LABOR,**

Defendant.

Case No. 1:17-cv-00878 (TNM)

ORDER

Upon consideration of the Defendant's Motion to Dismiss for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted, the pleadings, relevant law, and related legal memoranda in opposition and in support, for the reasons set forth in the accompanying Memorandum Opinion, it is hereby

ORDERED that the Defendant's Motion to Dismiss is GRANTED and the Second Amended Complaint is DISMISSED WITH PREJUDICE and

ORDERED that the Plaintiff's Motion for Summary Judgment is DENIED as moot. It is further


ORDERED that the following pre-filing restrictions are implemented: Ms. Middleton is not permitted to file any actions in the District Court for the District of Columbia related to the above-captioned matter (*i.e.*, her retirement account or the handling of her complaints about the account by any individual, the Department of Labor, or the United States), without pre-authorization from a judge in this District upon a finding that the case could be meritorious rather than repetitive. If Ms. Middleton wishes to file a related action, she shall submit to the Clerk of

the Court a motion requesting leave to file the complaint, the proposed complaint, and a copy of this Order. The Clerk of Court shall docket the submission in a miscellaneous action. A judge in this District then will determine whether leave to file the action should be granted, whether the miscellaneous action should be closed, or whether a civil action should be opened and assigned to a judge for further proceedings. If a judge in this District approves the filing and it is later determined that the complaint is baseless or repetitive, Ms. Middleton may be subject to sanctions, as justice so dictates, after being given an opportunity to show cause.

SO ORDERED.

This is a final, appealable Order.

Dated: July 10, 2018


TREVOR N. MCFADDEN
United States District Judge