



Obama v. Obama

2022 | Cited 0 times | N.D. Texas | July 13, 2022

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

FORT WORTH DIVISION ZAESLIV H. OBAMA, aka § SHANTA Y. CLAIBORNE, 1

§ § Plaintiff, §

§ v. § Civil Action No. 4:22-cv-588-O-BP § BARACK H. OBAMA, § § Defendant. §

FINDINGS, CONCLUSIONS AND RECOMMENDATION

OF THE UNITED STATES MAGISTRATE JUDGE On July 11, 2022, Plaintiff filed this case and a motion for leave to proceed in forma pauperis. ECF Nos. 1, 2. The case was referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b) and Special Order No. 5. The findings, conclusions, and recommendation of the undersigned are as follows: FINDINGS AND CONCLUSIONS: A. NATURE OF THE CASE This case is a new civil action. B. PARTIES Zaesliv H. Obama aka Shanta Y. Claiborne is the plaintiff. The defendant is listed as former President Barack H. Obama.

1 Plaintiff Zaesliv H. Obama has also filed multiple cases under the name Shanta Y. Claiborne. See PACER Case Locator available at <https://pcl.uscourts.gov/pcl/index.jsf>. Thus, the clerk of Court is directed to add this additional name on the docket.

2 C. LEGAL ANALYSIS Plaintiff has accompanied her complaint with an Application to Proceed in District Court Without Prepaying Fees or Costs lawsuits in this Court reveals that Plaintiff has been barred from proceeding in forma pauperis. In

prior cause number 3:19-cv-1466-N-BK, the magistrate judge recommended as follows:

As reflected in prior filings in this Court, Obama is also known as Shanta Y. Claiborne. See Obama v. United States, 3:19-CV-391-C-BN (N.D. Tex. May 16, 2019). During the past two years, she has filed at least 14 cases under the names of Shanta Claiborne and/or Zaesliv H. Obama. While most actions have been dismissed for want of prosecution, two cases have been dismissed as frivolous and, in at least two other cases, the magistrate judge recommended dismissal for lack of subject matter jurisdiction or for failure to state a claim. See Obama v. Internal Revenue Service, No. 3:19-cv-1208-M-BK (N.D. Tex. June 12, 2019) (dismissing case as frivolous); Claiborne v. Obama, No. 1:17-cv-5482



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(E.D.N.Y. Apr. 18, 2018) (dismissing case as frivolous); *Obama v. United States*, No. 3:19-cv-391-C-BN (N.D. Tex. May 16, 2019) (dismissing case for want of jurisdiction); *Claiborne v. State of Texas*, 3:16-cv-2713-N-BH (N.D. Tex. Apr. 13, 2017) (voluntary notice of dismissal filed after magistrate judge recommended that case be dismissed for failure to state a claim). In cause number 3:19-cv-1208-M-BK, the Court warned Plaintiff that if she persists in filing frivolous or baseless actions or actions over which the Court lacks subject matter jurisdiction, the Court may impose monetary sanctions and/or bar her from bringing any further action. . . . procedures, and auth In re Stone, 986 F.2d 898, 902 (5th Cir. 1993), and

sanctions may be appropriate when, as here, a pro se litigant has a history of submitting multiple frivolous claims. *Mendoza v. Lynaugh*, 989 F.2d 191, 195-97 (5th Cir. 1993); FED. R. CIV. P. 11(b)(2)&(c)(1) (authorizing sanctions against pro se litigants). *Pro se Ferguson v. MBank Houston, N.A.*, 808 F.2d 358, 359 (5th Cir.1986). Moreover, litigants who abuse the judicial *Free v. United States*, 879 F.2d 1535, 1536 (7th Cir. 1989); *In re Stone*, 986 F.2d 898, 902 (5th Cir. 1993). actions over which the Court lacks subject matter jurisdiction, she should be barred from filing future actions in forma pauperis in this Court.

3 *Obama v. Earle Cabell Federal Court*, No. 3:19-cv-1466-N-BK, 2019 WL 4418283 (N.D. Tex. Aug. 23, 2019) (footnote omitted). The district judge later adopted that recommendation and ordered that BARRED from filing future actions in forma pauperis *Obama v. Earle Cabell Federal Court*, No. 3:19-cv-1466-N, 2019 WL 4413289 (N.D. Tex. Sep. 16, 2019). Because plaintiff Obama aka Claiborne has been barred from proceeding in forma pauperis, her application to proceed on that basis in this case must be denied. RECOMMENDATION It is therefore RECOMMENDED that United States District Judge Reed O Connor DENY Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 2). It is further RECOMMENDED that Judge inform Plaintiff that the Complaint will be subject to dismissal without further notice under Federal Rule of Civil Procedure 41(b) unless Plaintiff pays to the clerk of Court the filing and administrative fees of \$402.00 within seven days after his order or such other time as Judge . A copy of these findings, conclusions, and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions, and recommendation must file specific written objections within fourteen days after being served with a copy. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). To be specific, an objection must identify the particular finding or recommendation to which objection is made, state the basis for the objec recommendation where the disputed determination is found. An objection that merely incorporates

by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and

4 legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. See *Douglass v. United Servs.*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).



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SIGNED on July 13, 2022.

Hal R. Ray, Jr. UNITED STATES MAGISTRATE JUDGE

