

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DENNIS JOHN CAMPBELL, et al. : CIVIL ACTION  
: :  
v. : :  
: :  
FEDERAL BUREAU OF : NO. 08-0230  
INVESTIGATION : :

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DENNIS JOHN CAMPBELL, et al. : CIVIL ACTION  
: :  
v. : :  
: :  
THE UNITED STATES POSTAL : NO. 08-0867  
SERVICE : :

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DENNIS JOHN CAMPBELL, et al. : CIVIL ACTION  
: :  
v. : :  
: :  
THE UNITED STATES DEPARTMENT OF :  
LABOR, et al. : NO. 09-2697

MEMORANDUM

Bartle, J.

June 14, 2013

Plaintiffs Dennis John Campbell and Mindy Jaye Zied-Campbell, acting pro se, have filed these three actions, and are proceeding in forma pauperis pursuant to 28 U.S.C. § 1915. All three actions are currently in civil suspense.

Before the court are the motions of plaintiffs to continue to hold these actions in abeyance until: the Third Circuit rules on two pending cases with similar issues; Ms. Zied-Campbell files an additional suit in state court; and Judge James

Knoll Gardner rules on Ms. Zied-Campbell's motion for reconsideration to transfer and consolidate yet another suit she has brought, for which her first motion was denied. In response, the government has filed a cross-motion to dismiss the cases with prejudice on the ground that the actions are frivolous.

Plaintiffs are no strangers to the court. They have filed some fifteen non-meritorious or frivolous lawsuits over the years. Zied-Campbell v. Pennsylvania, 2013 WL 599789 (3d Cir. Feb. 19, 2013). The pending actions are no different. Action No. 08-cv-0230 is against the Federal Bureau of Investigation ("FBI") seeking damages and injunctive relief under the Freedom of Information Act, 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. § 582(a). Action No. 08-cv-0867 sets forth the same cause of action, albeit against the United States Postal Service ("USPS"). In their suits against the FBI and USPS, plaintiffs sought various records from the respective agencies. The FBI denied their request, and the USPS never responded to the request. In Action No. 09-cv-2697, plaintiffs have sued the United States Department of Labor, the United States, and various other federal agencies. In that action, the complaint borders on the incoherent, although it appears to request monetary damages under 42 U.S.C. § 1985 stemming from a conspiracy among various agencies. There is also a "tort claim" against said agencies. Plaintiffs claim the agencies, motivated by Mr. Campbell's psychological disability, conspired to withhold benefits related to his employment with the USPS.

On January 26, 2011 we granted plaintiffs' motion to hold these actions in abeyance, pending resolution of three cases in the United States Court of Appeals for the Third Circuit. The court affirmed the dismissal of all three. See Zied v. Barnhart, 418 F. App'x 109 (3d Cir. Mar. 17, 2011); Zied-Campbell v. Richman, 428 F. App'x 224 (3d Cir. May 24, 2011); Campbell v. Soc. Sec. Admin., 446 F. App'x 477 (3d Cir. June 3, 2011).

Plaintiffs then filed a motion to re-open and consolidate the instant actions. On February 24, 2012 this court denied the motion, and on October 17, 2012 we agreed to place the actions in civil suspense until the disposition of the appeal in Zied-Campbell, et al. v. Pennsylvania, et al., No. 11-cv-7544 (E.D. Pa. Mar. 6, 2012), Doc. 10. The Court of Appeals affirmed, characterizing the plaintiffs' claims as "frivolous." Id. at No. 12-2209 (3d Cir. Apr. 24, 2013). It denied plaintiffs' petition for rehearing en banc and on April 24, 2013 issued the mandate.

Under 28 U.S.C. § 1915(a)(1) this court may permit a party to commence and proceed with an action "without prepayment of fees or security therefor," if the party submits an affidavit that he or she "is unable to pay such fees or give security therefor." The court allowed plaintiffs to proceed under this provision of § 1915. Nonetheless, 28 U.S.C. § 1915(e)(2)(B)(i) provides: "Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that the action or appeal is frivolous or malicious."

After careful review of the complaints in the three pending actions, the court agrees with the government and determines that the plaintiff's claims are frivolous. There is no reason for these actions to remain on the court's docket. Accordingly, they will be dismissed with prejudice.

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ORDER

AND NOW, this 14th day of June, 2013, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

(1) the motions of plaintiffs to continue to hold these actions in abeyance (ECF No. 08-0230 Doc. #46; ECF No. 08-867 Doc. #43; ECF No. 09-2697 Doc. #32) are DENIED; and

(2) the cross-motion of the government to dismiss all three actions pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) is GRANTED.

BY THE COURT:

/s/ Harvey Bartle III

J.