

735 Fed.Appx. 169 (Mem)

This case was not selected for publication in West's Federal Reporter.

See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also U.S.Ct. of App. 5th Cir. Rules 28.7 and 47.5. United States Court of Appeals, Fifth Circuit.

William Henry STARRETT,
Jr., Plaintiff-Appellant

v.

LOCKHEED MARTIN CORPORATION;
Texas Military Department; United States
Army Civil Affairs and Psychological
Operations Command; United States Army
Reserve Command; United States Army;
United States Army Special Operations
Command; United States Department of
Defense; Defense Advanced Research Projects
Agency; Lawrence Livermore National
Security, L.L.C.; Sandia Corporation; National
Nuclear Security Administration; United States
Department of Energy; United States Special
Operations Command, Defendants-Appellees

No. 18-10389

|
Summary Calendar

|
Filed August 23, 2018

Appeal from the United States District Court for the Northern
District of Texas, USDC No. 3:17-CV-988

Attorneys and Law Firms

William Henry Starrett, Jr., Pro Se

Anthony Joseph Campiti, Sarah Hawa Bawany Yousuf,
Counsel, Thompson & Knight, L.L.P., Dallas, TX, for
Defendant-Appellee Lockheed Martin Corporation

Matthew Allen Deal, Assistant Attorney General, Office of
the Attorney General, General Litigation Division, Austin,
TX, for Defendant-Appellee Texas Military Department

Brian Walters Stoltz, U.S. Attorney's Office, Northern District
of Texas, Dallas, TX, for Defendants-Appellees United States
Army Civil Affairs and Psychological Operations Command,
United States Army Reserve Command, United States Army
Special Operations Command, United States Department
of Defense, Defense Advanced Research Projects Agency,
National Nuclear Security Administration, United States
Department of Energy, United States Special Operations
Command, United States Army

Christina Gratke Nason, Burford & Ryburn, L.L.P., Dallas,
TX, for Defendant-Appellee Lawrence Livermore National
Security, L.L.C.

Before DENNIS, CLEMENT, and OWEN, Circuit Judges,

Opinion

PER CURIAM:*

William Starrett, Jr., proceeding pro se, filed suit against various federal government and military agencies, the Texas Military Department, and large private corporations for violations of numerous federal laws. Starrett's 149-page complaint alleged that defendants conspired to use him for mind experiments, targeted him with "Remote Neural Monitoring," harassed him using "Voice to Skull" technology, and otherwise remotely monitored and controlled his thoughts, movements, sleep, and bodily functions.

The district court dismissed Starrett's complaint against defendants Lawrence Livermore National Security, LLC, and Sandia Corporation under Fed. R. Civ. P. 12(b)(5) for insufficient service of process. It then dismissed Starrett's claims against Lockheed Martin corporation, the Texas *170 Military Department, and various federal government agencies under Rule 12(b)(1), finding that the claims were "patently frivolous," and under Rule 12(b)(6), finding that they were "fanciful, fantastic, or delusional." Additionally, the court found that plaintiff's claims against Lockheed Martin and Texas Military Department should be dismissed under Rule 12(b)(5) because service was insufficient.

We review de novo a district court's grant of a motion to dismiss. The Supreme Court has held that when allegations within a complaint are "so attenuated and unsubstantial

as to be absolutely devoid of merit, wholly insubstantial, obviously frivolous, plainly unsubstantial, or no longer open to discussion,” a federal court lacks subject matter jurisdiction to adjudicate the claim. *Hagans v. Lavine*, 415 U.S. 528, 536-37, 94 S.Ct. 1372, 39 L.Ed.2d 577 (1974) (internal citations omitted). We agree with the district court’s characterizations of plaintiff’s claims and determinations that

service on some of the defendants was improperly made. We affirm for essentially the reasons stated by that court.

AFFIRMED.

All Citations

735 Fed.Appx. 169 (Mem)



Footnotes



- * Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

End of Document

© 2023 Thomson Reuters. No claim to original U.S. Government Works.

Filings (9)

Title	PDF	Court	Date	Type
1. Brief of Appellee William Henry STARETT, Jr., Plaintiff - Appellant, v. LOCKHEED MARTIN CORPORATION; Texas Military Department; United States Army Civil and Psychological Operations Command; United States Army Reserve Command; United States Army; United States Army Special Operations Command; United States Department of Defense; Defense Advanced Research Projects Agency; Lawrence Livermore National Security, L.L.C.; Sandia Corporation; National Nuclear Security Administration; 2018 WL 3020030		C.A.5	June 15, 2018	Brief
2. Brief of Appellees Sandia Corporation and Lawrence Livermore National Security, L.L.C. William Henry STARRETT, Jr., Plaintiff -- Appellant, v. LOCKHEED MARTIN CORPORATION; Texas Military Department; United States Army Civil Affairs and Psychological Operations Command; United States Army Reserve Command; United States Army; United States Army Special Operations Command; United States Department of Defense; Defense Advanced Research Projects Agency; Lawrence Livermore National Security, L.L.C.; Sandia Corporation; National Nuclear Security 2018 WL 3020032		C.A.5	June 15, 2018	Brief
3. Brief of Appellee William Henry STARRETT, Jr., Plaintiff-Appellant, v. LOCKHEED MARTIN CORPORATION; Texas Military Department; United States Army Civil Affairs and Psychological Operations Command; United States Army Reserve Command; United States Army; United States Army Special Operations Command; United States Department of Defense; Defense Advanced Research Projects Agency; Lawrence Livermore National Security, L.L.C.; Sandia Corporation; National Nuclear Security 2018 WL 3094319		C.A.5	June 14, 2018	Brief
4. Brief of Plaintiff-Appellant William Henry STARRETT, Jr., Plaintiff-Appellant, v. LOCKHEED MARTIN CORPORATION; Texas Military Department; United States Army Civil Affairs and Psychological Operations Command; United States Army Reserve Command; United States Army; United States Army Special Operations Command; United States Department of Defense; Defense Advanced Research Projects Agency; Lawrence Livermore National Security, L.L.C.; Sandia Corporation; National Nuclear Security 2018 WL 2722594		C.A.5	May 16, 2018	Brief

Title	PDF	Court	Date	Type
5. Appellees Federal Defendants' Brief William Henry STARRETT, Jr., Plaintiff-Appellant, v. LOCKHEED MARTIN CORPORATION; Texas Military Department; United States Army Civil Affairs and Psychological Operations Command; United States Army Reserve Command; United States Army; United States Army Special Operations Command; United States Department of Defense; Defense Advanced Research Projects Agency; Lawrence Livermore National Security, L.L.C.; Sandia Corporation; National Nuclear Security 2018 WL 3020031		C.A.5	2018	Brief
6. Petition for Writ of Certiorari Starrett v. Lockheed Martin Corp. 2018 WL 5978120		U.S.	Nov. 06, 2018	Petition
7. Docket 18-627 WILLIAM HENRY STARRETT, JR. v. LOCKHEED MARTIN CORPORATION, ET AL.	—	U.S.	Nov. 13, 2018	Docket
8. Docket 18-10389 WILLIAM STARRETT, JR. v. LOCKHEED MARTIN CORPORATION	—	C.A.5	Mar. 29, 2018	Docket
9. Docket 3:17-CV-00988 Starrett v. Lockheed Martin Corporation et al	—	N.D.Tex.	Apr. 07, 2017	Docket

History (14)


Direct History (8)

1. [WILLIAM HENRY STARRETT, JR., Plaintiff, v. LOCKHEED MARTIN CORPORATION, et al., Defendants.](#)
Additional Party Names: Lawrence Livermore National Security, LLC, Sandia Corporation
2017 WL 4174812 , N.D.Tex. , Aug. 16, 2017

Report and Recommendation Adopted by

2. [Starrett v. Lockheed Martin Corporation](#)
2017 WL 4155323 , N.D.Tex. , Sep. 19, 2017

Affirmed by

3. [Starrett v. Lockheed Martin Corporation](#) 
735 Fed.Appx. 169 , 5th Cir.(Tex.) , Aug. 23, 2018 , rehearing en banc denied (Sep 20, 2018)

Certiorari Denied by


4. [Starrett v. Lockheed Martin Corp.](#)
139 S.Ct. 834 , U.S. , Jan. 07, 2019

5. [Starrett v. Lockheed Martin Corporation](#)
2018 WL 1399177 , N.D.Tex. , Mar. 09, 2018

Report and Recommendation Adopted by

6. [Starrett v. Lockheed Martin Corporation](#)
2018 WL 1383398 , N.D.Tex. , Mar. 19, 2018

Affirmed by

7. [Starrett v. Lockheed Martin Corporation](#) 
735 Fed.Appx. 169 , 5th Cir.(Tex.) , Aug. 23, 2018 , rehearing en banc denied (Sep 20, 2018)

Certiorari Denied by

8. [Starrett v. Lockheed Martin Corp.](#)
139 S.Ct. 834 , U.S. , Jan. 07, 2019

Related References (6)

9. [Starrett v. Lockheed Martin Corporation](#)
2017 WL 11492766 , N.D.Tex. , July 24, 2017

10. [Starrett v. Lockheed Martin Corporation](#)
2018 WL 10344810 , N.D.Tex. , Feb. 06, 2018

11. [Starrett v. Lockheed Martin Corporation](#)
2018 WL 10345320 , N.D.Tex. , Mar. 09, 2018

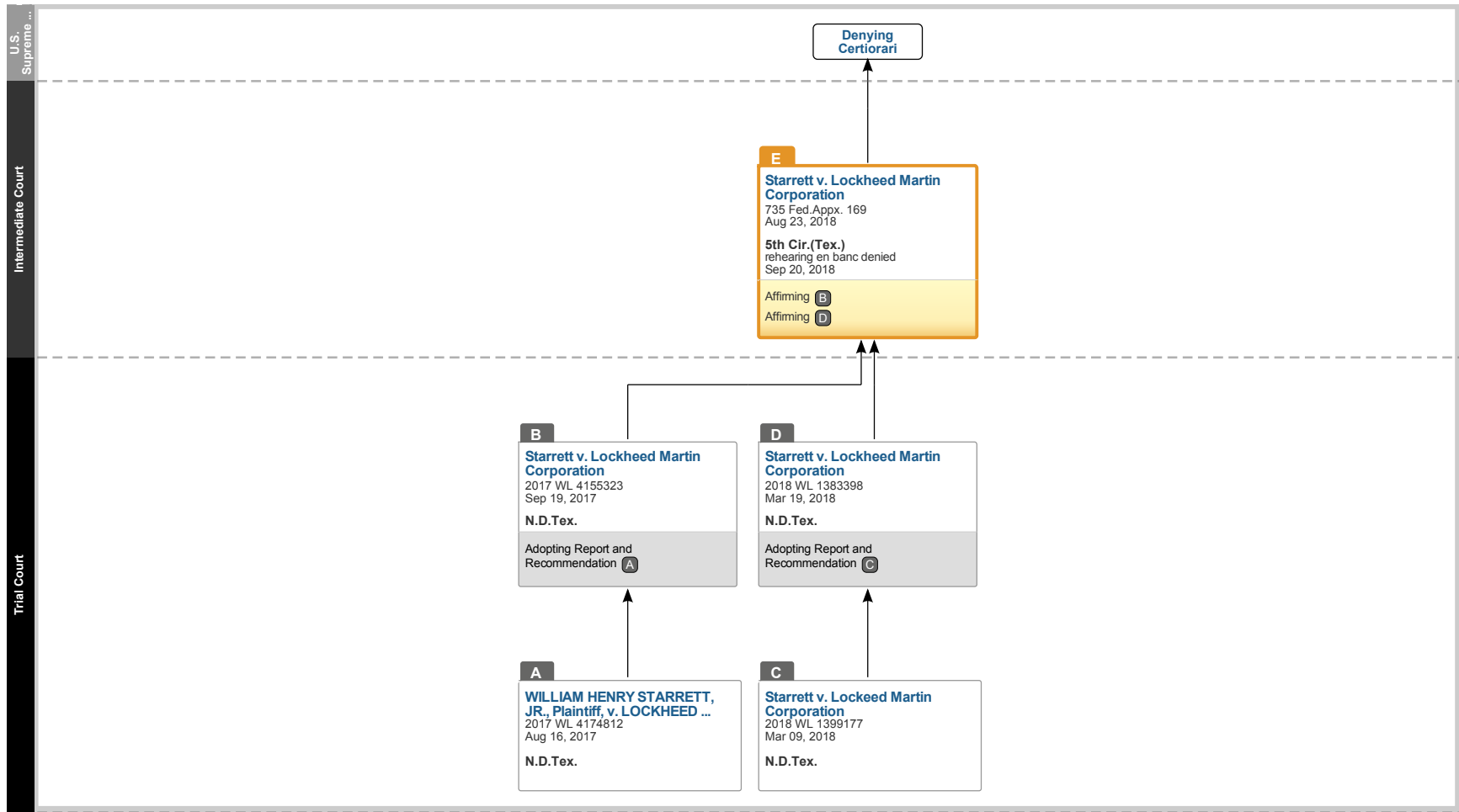
12. [Starrett v. Department of Defense](#)
2019 WL 2539234 , N.D.Tex. , May 03, 2019

Report and Recommendation Adopted by

13. [Starrett v. Department of Defense](#)
2019 WL 3462381 , N.D.Tex. , July 30, 2019

Appeal Dismissed by



14. [Starrett v. Department of Defense](#)
2019 WL 8061076 , 5th Cir.(Tex.) , Nov. 29, 2019



Citing References (8)

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<p>1. Targeted Justice, Inc. v. Garland ¶¶</p> <p>2023 WL 4471553, *5+, S.D.Tex.</p> <p>The plaintiffs allege that a massive government surveillance and security program has inflicted grave physical and psychological injury on them. Targeted Justice, Inc., describes...</p>	July 11, 2023	Case		—
Cited by	<p>2. McCalley v. Methodist Southlake Hospital ¶¶</p> <p>2022 WL 893548, *6, E.D.Tex.</p> <p>The following Rule 12 Motions are pending before the Court: • Defendant Methodist Southlake Hospital's ("MSH") Motion to Dismiss and Alternative Motion for a More Definite...</p>	Feb. 22, 2022	Case		—
Cited by	<p>3. Roman v. Navarrete ¶¶</p> <p>2021 WL 2010454, *8+, W.D.Tex.</p> <p>On this day, the Court considered the status of the above-styled and numbered cause. On April 16, 2021, Plaintiff Gustavo Roman ("Roman"), proceeding pro se, filed an application...</p>	May 20, 2021	Case		—
Mentioned by	<p>4. Lister v. United States of America</p> <p>2023 WL 4275474, *2, S.D.Tex.</p> <p>Pending before the Court is Defendant the United States of America's ("Defendant" or "Government") Motion to Dismiss (Doc. No. 35). Plaintiffs Tommy R. Lister ("Mr. Lister") and...</p>	June 29, 2023	Case		—
Mentioned by	<p>5. Balderas v. Nguyen</p> <p>2020 WL 2495889, *2, N.D.Tex.</p> <p>In this action arising from a dispute between pro se business owner-plaintiffs Julio Cesar Balderas, Sr., Julio Cesar Balderas, Jr., and Laura Ramos, and landlord defendants Tom...</p>	May 14, 2020	Case		—
Mentioned by	<p>6. Rothschild Connected Devices Innovations, LLC v. ADS Security, L.P.</p> <p>2019 WL 4458433, *7, E.D.Tex.</p> <p>Plaintiff Rothschild Connected Devices Innovations, LLC ("RCDI") filed its complaint against Defendant ADS Security, L.P.'s ("ADS Security") in 2015, alleging patent infringement....</p>	Aug. 13, 2019	Case		—
Mentioned by	<p>7. Moore v. Federal Emergency Management Agency</p> <p>2019 WL 3570450, *2, S.D.Tex.</p> <p>Before the Court is Defendant FEMA's Motion to Dismiss (Doc. No. 14). Plaintiff has not responded in opposition to the motion and the deadline to respond has now passed. Upon...</p>	Aug. 06, 2019	Case		—
Mentioned by	<p>8. McKinnon v. Hobby Lobby Stores, Inc.</p> <p>2018 WL 6186820, *2, E.D.Tex.</p> <p>In this pro se civil rights action, Defendants move to dismiss Plaintiff Brandy McKinnon's suit for insufficiency of process (Dkt. 8). Plaintiff has filed her opposition (Dkts. 14,...</p>	Oct. 12, 2018	Case		—

Table of Authorities (1)

Treatment	Referenced Title	Type	Depth	Quoted	Page Number
Cited	 1. Hagans v. Lavine 94 S.Ct. 1372, U.S.N.Y., 1974 Recipients of public assistance under federal-state AFDC program brought action under civil rights statute challenging New York regulation permitting the State to recoup prior...	Case			170

Negative Treatment

There are no Negative Treatment results for this citation.