

frivolous, or malicious, the Court must dismiss it.¹ A claim is factually frivolous where the factual allegations are “baseless, of little or no weight, value or importance, [or] not worthy of serious attention or trivial.”² A claim is legally frivolous where it is “based on an indisputably meritless legal theory.”³ A claim is malicious when “designed to vex, injure or harass, or one which is otherwise abusive of the judicial process or which realleges pending or previously litigated claims.”⁴

The complaint alleges that various parties not named as defendants, including the “State Police,” the “Delaware Psychiatric Center,” and the “Judge and Court Clerk Personnel,” have committed numerous crimes such as murder and identity theft. Among the complaint’s manifold allegations, those alleged to have been committed by the Defendants include: holding Mr. Jones against his will, forcing him into sexual slavery, treating him with “life threatening amounts” of various drugs, attacking him because of his ethnicity, diagnosing him with schizophrenia, and generally committing medical malpractice. As a result of the above wrongful acts, Mr. Jones claims he has contracted “several STDs” and suffers from brain damage, various internal injuries, and other wounds “that require surgery and immediate medical attention.”

¹ 10 *Del. C.* § 8803(b).

² *Id.* at § 8801(4).

³ *Id.* at § 8801(7).

⁴ *Id.* at § 8801(8).

The Court takes judicial notice that the Dover Behavioral Health System is a private psychiatric facility, and that Dr. Mirza is one of its staff psychiatrists.⁵ The Court also notes that Mr. Jones has filed numerous claims relating to his mental health treatment, including previous claims against the Defendants.⁶ Upon the Court's review, each prior claim Mr. Jones has filed in relation to his mental health treatment has been dismissed for being frivolous or otherwise failing to state claims upon which relief could be granted.

Mr. Jones has previously sued the Defendants twice in the United States District Court for the District of Delaware, in both suits alleging that the Defendants held him against his will and injected him with lethal quantities of medication.⁷ The

⁵ See <http://www.uhsinc.com/behavioral-health/> (July 3, 2017); <http://www.doverbehavioral.com/about-dover-behavioral-health/meet-our-medical-staff/> (July 3, 2017). The Court finds that these facts are not subject to reasonable dispute and are capable of accurate and ready determination. D.R.E. 201(b).

⁶ See e.g., *Jones v. Yale University*, No. 3:2017CV00601 (D. Conn. April 12, 2017); *Jones v. Crisis Intervention Servs.*, No. CV 16-005-RGA, 2017 WL 881381, at *1 (D. Del. 2017), *aff'd*, No. 17-1584, 2017 WL 1399691 (3d Cir. 2017); *Jones v. Recovery Innovations Intl.*, Civ. No. 17-396-RGA (D. Del. 2017); *Jones v. Dunigan*, Civ. No. 17-10822-FDS (D. Mass. 2017); *Jones v. Kent County Superior Court, Delaware*, Civ. No. 17-394-RGA (D. Del. 2017); *Jones v. Markell*, Civ. No. 17-326-UNA (D. D.C. 2017); *Jones v. Harrington, Delaware Police Dept.*, Civ. No. 17-395-RGA (D. Del. 2017); *Jones v. Justice of the Peace Court*, Civ. No. 16-1306-RGA (D. Del. 2016); *Jones v. Town of Georgetown*, Civ. No. 15-201-RGA (D. Del. 2015); *Jones v. Delaware Bd. of Med. Licensure and Discipline*, Civ. No. 15-203-RGA (D. Del. 2015); *Jones v. Mirza*, Civ. No. 15-1017-RGA (D. Del. 2015); and *Jones v. Crisis Intervention Services*, Civ. No. 16-410-RGA (D. Del. 2016).

⁷ *Jones v. Mirza*, 2017 WL 114077, at *1 (D. Del. Jan. 10, 2017), *appeal dismissed*, 2017 WL 1373278 (3d Cir. Apr. 13, 2017); *Jones v. Mirza*, 2016 WL 4203814, at *1 (D. Del. Aug. 8, 2016), *appeal dismissed sub nom. Matthew Jones v. Khalid Mirza, et al* (Oct. 6, 2016), and *appeal dismissed*, 2017 WL 1373278 (3d Cir. Apr. 13, 2017).

District Court has dismissed Mr. Jones's complaints.⁸ The claims Mr. Jones alleges here are virtually the same as certain claims he alleged in the United States District Court.

It appears to the Court that Mr. Jones intends to use the legal system to lash out against and harass the Defendants, regardless of his claims' lack of legal merit. Mr. Jones has wasted this Court's and the State's resources by filing here claims previously received and dismissed as frivolous by various United States District Courts.⁹ Appeals from two of these decisions were also dismissed by the Third Circuit Court of Appeals.¹⁰

The Delaware Court of Chancery decided a similar case in *Tillmon v. Snyder*.¹¹ There, a plaintiff's complaint alleged that the defendants "fail[ed] to provide adequate medical care, and violat[ed] federal constitutional and statutory rights," claims that plaintiff had already brought before a federal district court.¹² The Court of Chancery dismissed the claims pursuant to 19 *Del. C.* 8801(7), holding that "[p]laintiff wasted this court's and the State's resources by filing here claims already

⁸ *Mirza*, WL 114077, at *1 (dismissing Mr. Jones's claims as consisting of "fantastical or delusional claims that are clearly baseless, frivolous, and fail to state claims upon which relief may be granted."); *Mirza*, 2016 WL 4203814, at *1 (dismissing medical negligence and other claims against Dover Behavioral Health and Dr. Mirza).

⁹ *See supra* note 6. Plaintiff has filed in objection to his treatment in several jurisdictions in the region.

¹⁰ *See supra* note 7.

¹¹ *Tillmon v. Snyder*, 2001 WL 312470 (Del. Ch. Mar. 27, 2001).

¹² *Id.* at *1.

on file in the United States District Court (and now the Court of Appeals) *alleging the same claims.*”¹³

Upon this Court’s review of Mr. Jones’s previously dismissed claims against the Defendants in federal court and his claims here, the Court finds that the claims here are virtually the same as claims previously brought against the same parties, and allege causes of action arising from the same set of facts. The Court finds that Mr. Jones’s complaint abuses the judicial process and is found to be malicious.

Accordingly, Mr. Jones’s complaint is **DISMISSED** with prejudice. Consequently, service of process shall not issue. To protect judicial resources, this Court enjoins Mr. Jones from filing future claims without leave of court. Pursuant to 10 *Del. C.* § 8803(e), future requests to file claims must be accompanied by an affidavit certifying that:

- (1) The claims sought to be litigated have never been raised or disposed of before in any court;
- (2) The facts alleged are true and correct;
- (3) The affiant has made a diligent and good faith effort to determine what relevant case law controls the legal issues raised;
- (4) The affiant has no reason to believe the claims are foreclosed by controlled law; and
- (5) The affiant understands that the affidavit is made under penalty of perjury.

Finally, pursuant to 10 *Del. C.* § 8803(d), the Court retains jurisdiction until all costs and fees associated with this action are paid.

¹³ *Id.*

IT IS SO ORDERED.

/s/ Noel Eason Primos

JUDGE

NEP/wjs

Via File & ServeXpress and U.S. Mail

oc: Prothonotary

cc: Matthew Jones

Dover Behavioral Health System

Dr. Khaled Mirza