

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MALIK NASIR,	§
	§ No. 65, 2024
Petitioner Below,	§
Appellant,	§ Court Below—Superior Court
	§ of the State of Delaware
v.	§
	§ C.A. No. K24C-01-017
NAIMA NASIR, REGISTER OF	§
WILLS, and COURT OF	§
CHANCERY,	§
	§
Respondents Below,	§
Appellees.	§

Submitted: August 9, 2024

Decided: October 1, 2024

Before **SEITZ**, Chief Justice; **VALIHURA** and **TRAYNOR**, Justices.

ORDER

Upon consideration of the parties' briefs and record on appeal, it appears to the Court that:

(1) The appellant, Malik Nasir, filed this appeal from the Superior Court's order dismissing his complaint under 10 *Del. C.* § 8803(b) as factually and legally frivolous. For the reasons discussed below, we affirm the Superior Court's judgment.

(2) The complaint arises from Malik Nasir's disagreements with the handling of his mother's estate. There is a Register of Wills proceeding, *In re Nasir*, No. 20766, and two Court of Chancery actions, *Nasir v. Nasir*, C.A. No. 2021-0791

and *Malik v. Malik*, C.A. No. 2023-0842, that we take judicial notice of and briefly summarize below. In December 2020, the mother of Malik Nasir and Naima Nasir died shortly after executing a will and codicil that appointed Naima as executor and left all property to Naima.¹ In February 2021, Naima filed her mother's death certificate and will in No. 20766. She filed an inventory in April 2021 and an accounting in June 2022.

(3) In September 2021, Malik filed a petition challenging the will in C.A. No. 2021-0791. On May 30, 2023, the Court of Chancery Magistrate recommended in a bench ruling that judgment be entered in favor of Malik and that the will and codicil be invalidated. On July 5, 2023, the Chancellor entered an order approving and implementing the Magistrate's recommendations. That same day the Register of Wills directed Naima to file an amended inventory and accounting because the will had been declared invalid. Naima filed an amended inventory and draft accounting in December.

(4) On August 17, 2023, Malik filed a petition to remove Naima as the personal representative of their mother's estate in C.A. No. 2023-0842. On April 16, 2024, the Court of Chancery Magistrate recommended in a bench ruling that the

¹ We refer to the Nasir parties by their first names to avoid confusion. No disrespect or familiarity is intended.

petition be denied. On September 10, 2024, a Vice Chancellor dismissed Malik's exceptions to the Magistrate's report.

(5) On January 17, 2024, while No. 20766 and C.A. No. 2023-0842 were pending, Malik filed a complaint against Naima, the Register of Wills, and the Court of Chancery in the Superior Court. He alleged that Naima owed him \$101,265.79 from the Court of Chancery's May 30, 2023 judgment and that the Court of Chancery and Register of Wills had failed to make Naima pay this judgment. He asked the Superior Court to make Naima pay him as soon as possible and to make the Register of Wills and the Court of Chancery pay him \$200,000.00 for violating his right to due process and causing him severe emotional distress. The Superior Court dismissed the complaint as factually and legally frivolous under 10 *Del. C.* § 8803(b). This appeal followed.

(6) On appeal, Malik repeats the claims contained in his complaint. Naima argues that there was no monetary judgment against her. Having carefully considered the parties' positions on appeal, the Court concludes that the Superior Court did not err in dismissing Malik's appeal.

(7) Under § 8803(b), a trial court must review a complaint once the plaintiff's motion to proceed *in forma pauperis* is granted. If the trial court determines that the complaint is factually frivolous, malicious, or legally frivolous

such that even a pro se litigant should have found well-settled law disposing of the issues raised, the complaint must be dismissed.²

(8) Malik's complaint to recover a monetary judgment from Naima and to recover damages from the Register of Wills and the Court of Chancery for failure to enforce a monetary judgment was frivolous because there was no monetary judgment. In her May 30, 2023 bench ruling, the Magistrate recommended that the will and codicil be invalidated. The Magistrate did not recommend the entry of any monetary judgment against Naima. Nor did the Chancellor enter a monetary judgment against Naima when she approved and implemented the Magistrate's May 30, 2023 recommendation. The Superior Court did not err dismissing Malik's complaint.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Karen L. Valihura
Justice

² 10 *Del. C.* § 8803(b).