

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 18, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHARLES JOSEPH REEVIS, also
known as
Haven Legion of Holy Angels from most high
Royal family,

Plaintiff,

v.

SPOKANE COUNTY SUPERIOR
COURT, STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND
HEALTH SERVICES, and US
DISTRICT COURT EASTERN
WASHINGTON,

Defendants.

NO: 2:21-CV-00011-RMP

ORDER REGARDING
PLAINTIFF'S LETTERS AND
ORDER DISMISSING ACTION

1915(g)

After the Court issued the Order Granting Leave to Voluntarily Dismiss
Action, ECF No. 9 (April 5, 2021), Plaintiff Charles Joseph Reeves submitted two
undated letters that were filed on April 23 and 26, 2021, respectively. ECF Nos. 10
and 11. In the first letter Plaintiff asserts that a mental health evaluator is saying that
the "records of cause # 2:13-cr-00103-RMP don't exssets," and "I am requesting for
ORDER REGARDING PLAINTIFF'S LETTERS AND ORDER DISMISSING
ACTION -- 1

1 the U.S District Court Rose malf Petterson the honor Judge to at least mail me a
2 summary of the transcripts of the court hearing to confirm that there real and not just
3 halusanations and delusion.” ECF No. 10 at 1 (as written in original).

4 Transcripts and other filed documents in case number 2:13-cr-00103-RMP are
5 available to Mr. Reeves to the same extent they are available to other parties and
6 members of the public. According to the District’s transcript policy, all the
7 transcripts in No. 2:13-cr-00103-RMP are available for download from the Court’s
8 CM/ECF system through the judiciary’s PACER system. Court records are
9 accessible on PACER and may be accessible there for free. There is no fee to
10 register for a PACER account, and there is no charge for accessing up to \$30 in
11 charges per quarter (January-March, April-June, July-September, October-
12 December). Charges apply after a user accrues more than \$30 each quarterly billing
13 cycle. The fee system for PACER is provided at: [https://pacer.uscourts.gov/pacer-](https://pacer.uscourts.gov/pacer-pricing-how-fees-work)
14 [pricing-how-fees-work](https://pacer.uscourts.gov/pacer-pricing-how-fees-work).

15 Furthermore, if an indigent litigant needs to retrieve documents from PACER
16 that exceed \$30 in a quarterly billing cycle, the litigant may apply for a PACER fee
17 exemption from the Court. Generally, the Court will grant an exemption upon
18 finding that the requesting party has demonstrated that an exemption is necessary to
19 avoid unreasonable burdens and to promote public access to information. **In**
20 **addition, Mr. Reeves can visit the Govinfo site and access the judgment from his**
21 **criminal case for free:** <https://www.govinfo.gov/content/pkg/USCOURTS-waed->

1 [2_13-cr-00103/pdf/USCOURTS-waed-2_13-cr-00103-0.pdf](https://www.uscourts.gov/2_13-cr-00103/pdf/USCOURTS-waed-2_13-cr-00103-0.pdf). In light of the
2 District's transcript policy and the available means for Plaintiff to access the
3 transcripts, Plaintiff's request for a transcript summary is denied.

4 In his second letter received on April 26, 2021, Mr. Reeves relays his "dreams
5 about waring with Gods from all over creation . . ." and claims to have "been in the
6 secret service sense birth and am the legal Royal inearter of all of universal's
7 creations." ECF No. 11 at 1 (as written in original). He states that he "woke up sore
8 and beat to all hell no one can see my wouds but there real and hurt." *Id.* (as written
9 in original).

10 Mr. Reeves states that he is at Yakima Competency Restoration Center
11 because he has been deemed incompetent to stand trial following two mental
12 health evaluations. ECF No. 11 at 4. He also states that "babyRICO" is one of his
13 "72 mystical names" and that he is "the Real son of all the Gods." *Id.* at 5. He
14 also claims to "program the matrix." *Id.* at 6. The Court interprets Mr. Reeves's
15 second letter as merely informative and cannot decipher any request for relief or
16 relevance to the above-captioned case.

17 As previously advised, any challenge to Mr. Reeves's involuntary
18 commitment to a mental institution would need to be brought in a petition for a
19 writ of habeas corpus after he has fully exhausted available state court remedies.
20 *See* No. 2:20-CV-00452-RMP, ECF No. 12 at 4–7; *see also Lynch v. Overholser*,
21 369 U.S. 705 (1962); *O'Beirne v. Overholser*, 287 F.2d 133, 136 (D.C. Cir. 1960)

1 (“Habeas corpus is the traditional means of seeking release from illegal
2 confinement. It is the normal means in this jurisdiction of testing the legality of
3 detention in a mental hospital, whether based on civil or criminal proceedings.”);
4 *see also* 28 U.S.C. § 2254(b)(1)(A).

5 On April 5, 2021, the Court granted Plaintiff Charles Joseph Reeves thirty
6 days to voluntarily dismiss this action. ECF No. 9. The Court found that Mr.
7 Reeves’s *pro se* complaint, filed while he was incarcerated at the Spokane County
8 Corrections Center, did not name Defendants amenable to suit under 42 U.S.C. §
9 1983 and his claims were duplicative of those presented in other actions. *See* ECF
10 No. 9 at 4–5, and 6–9. Consequently, Plaintiff’s claims were subject to dismissal
11 as abusive under 28 U.S.C. § 1915(e). *See Cato v. United States*, 70 F.3d 1103,
12 1105 n. 2 (9th Cir. 1995); *Aziz v. Burrows*, 976 F.2d 1158, 1158–59 (9th Cir.
13 1992); *Adams v. California Dept. of Health Services*, 487 F.3d 684, 688 (9th Cir.
14 2007).

15 Plaintiff is currently housed at Comprehensive Health Care - Yakima
16 Competency Restoration, and is proceeding *in forma pauperis*, but without the
17 obligation to pay the \$350.00 filing fee for this action. ECF No. 8. The Court
18 cautioned Plaintiff regarding the preclusive effect that a dismissal of this action on
19 the grounds enumerated in 28 U.S.C. § 1915(g) could have on his future ability to
20 proceed *in forma pauperis* while a prisoner. ECF No. 9 at 10. Nevertheless,
21 Plaintiff did not avail himself of the opportunity to voluntarily dismiss this action.

1 For the reasons set forth above, and in the Court's Order Granting Leave to
2 Voluntarily Dismiss, ECF No. 9, **IT IS ORDERED** that this action is
3 **DISMISSED with prejudice** as frivolous, malicious, and for failure to state a
4 claim upon which relief may be granted under 28 U.S.C. § 1915(e)(2).

5 Pursuant to 28 U.S.C. § 1915(g) a prisoner who brings three or more civil
6 actions or appeals which are dismissed as frivolous or for failure to state a claim
7 will be precluded from bringing any other civil action or appeal *in forma pauperis*
8 "unless the prisoner is under imminent danger of serious physical injury." 28
9 U.S.C. § 1915(g). **Plaintiff is advised to read the statutory provisions of 28**
10 **U.S.C. § 1915. This dismissal of Plaintiff's complaint may count as one of the**
11 **three dismissals allowed by 28 U.S.C. § 1915(g) and may adversely affect his**
12 **ability to file future claims in forma pauperis.**

13 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
14 Order, enter judgment of dismissal with prejudice, provide copies to Plaintiff at his
15 last known address, and **close the file**. The District Court Clerk is further directed
16 to provide a copy of this Order to the Office of the Attorney General of
17 Washington, Corrections Division. The Court certifies that any appeal of this
18 dismissal would not be taken in good faith.

19 **DATED** May 18, 2021.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
United States District Judge