

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE

Robert James Swint v. Clatsop County Jail, et al.

Swint · No. 2:26-cv-00168-SDN · Decided April 7, 2026

SUMMARY

A United States Magistrate Judge recommends dismissing Robert James Swint’s complaint against Clatsop County Jail and other defendants because the filing is factually incomprehensible, frivolous, and does not present a substantial federal question. The recommendation also identifies venue problems and proposes requiring the plaintiff to obtain prior court approval before filing further pleadings. The decision was issued in the District of Maine on April 7, 2026.

CASE DETAILS

COURT	United States District Court for the District of Maine
WRITING FOR THE COURT	John C. Nivison
JURISDICTION	United States District Court for the District of Maine
DECIDED	April 7, 2026
DOCKET	2:26-cv-00168-SDN
DISPOSITION	other
PROCEDURAL POSTURE	Recommended decision by a magistrate judge after sua sponte review of a pro se complaint, recommending dismissal before service of process and imposition of a filing restriction requiring prior leave of court.
STANDARD OF REVIEW	Sua sponte review of subject matter jurisdiction and the sufficiency of a complaint; allegations are considered in the light most favorable to the plaintiff. A magistrate judge's recommended decision is subject to de novo review of timely objections under 28 U.S.C. § 636(b)(1)(B).
PRECEDENTIAL VALUE	nonprecedential recommended decision
PARTIES	Robert James Swint v. Clatsop County Jail, State of Oregon, other named defendants

TOPICS

- subject matter jurisdiction
- venue
- motions to dismiss
- civil procedure
- sanctions

PRACTICE AREAS

civil procedure

constitutional law

federal jurisdiction

venue

prisoner civil rights

QUESTIONS PRESENTED

1. Whether the court could sua sponte dismiss the complaint before service of process because the alleged federal claims were frivolous and wholly insubstantial.
2. Whether dismissal was warranted because the complaint failed to allege facts establishing that venue was proper in the District of Maine.
3. Whether a filing restriction requiring plaintiff to obtain prior leave of court before filing further pleadings was appropriate after a prior warning concerning frivolous or incomprehensible filings.

HOLDINGS

1. The magistrate judge recommended dismissal because the complaint lacked facts plausibly supporting a federal claim, was indiscernible, and could fairly be characterized as frivolous and devoid of merit.
2. The magistrate judge recommended dismissal because plaintiff alleged no facts suggesting that the District of Maine was a proper venue for claims concerning Oregon defendants and events occurring in Oregon.
3. The magistrate judge recommended that plaintiff be prohibited from filing further pleadings without prior leave of court because he continued filing frivolous or incomprehensible matters after receiving a warning.

KEY QUOTATIONS

“A district court may dismiss a complaint sua sponte, regardless of whether or not payment of the filing fee has been received, where the allegations contained in the complaint, taken in the light most favorable to the plaintiff, are patently meritless and beyond all hope of redemption.”

“so attenuated and unsubstantial as to be absolutely devoid of merit”

“In short, Plaintiff’s filing can be reasonably characterized as “so attenuated and unsubstantial as to be absolutely devoid of merit.””

FACTUAL BACKGROUND

Robert James Swint, a resident of Oregon, filed a complaint naming the State of Oregon and other defendants based on events that evidently occurred in Oregon. The complaint contained no facts plausibly supporting a federal claim, and the magistrate judge found the theory of recovery indiscernible. The filing also provided no facts establishing that the District of Maine was a proper venue for the asserted grievances.

PROCEDURAL HISTORY

Plaintiff filed a complaint against the State of Oregon and other defendants concerning events apparently occurring in Oregon. After reviewing the complaint, the magistrate judge concluded that the allegations were frivolous, failed to state any plausible federal claim, and did not establish that the District of Maine was a proper

venue. The magistrate judge recommended dismissal and an order barring further pleadings without prior leave of court, subject to objections and de novo review by the district court.

DISPOSITION

other

CASES CITED

- McBee v. Delica Co., 417 F.3d 107, 127 (1st Cir. 2005)
- Baldi v. Mueller, No. 09-10320-DPW, 2010 WL 1172616, at *3 (D. Mass. Mar. 23, 2010)
- Yi v. Social Security Administration, 554 F. App'x 247, 248 (4th Cir. 2014)
- Evans v. Suter, No. 09-5242, 2010 WL 1632902, at *1 (D.C. Cir. Apr. 2, 2010)
- Rutledge v. Skibicki, 844 F.2d 792 (9th Cir. 1988)
- Best v. Kelly, 39 F.3d 328, 331 (D.C. Cir. 1994)
- Hagans v. Lavine, 415 U.S. 528, 536-537 (1974)
- Swan v. United States, 36 F. App'x 459 (1st Cir. 2002)
- Rosado v. Wyman, 397 U.S. 397, 404 (1970)
- Bell v. Hood, 327 U.S. 678, 682-683 (1946)
- Crowley Cutlery Co. v. United States, 849 F.2d 273, 276 (7th Cir. 1988)
- Steel Co. v. Citizens for a Better Environment, 523 U.S. 83, 89 (1998)
- Cruz v. House of Representatives, 301 F. Supp. 3d 75, 77 (D.D.C. 2018)
- Minnette v. Time Warner, 997 F.2d 1023, 1026 (2d Cir. 1993)
- Quinn v. Watson, 145 F. App'x 799, 800 (4th Cir. 2005)
- Cok v. Family Court of Rhode Island, 985 F.2d 32 (1st Cir. 1993)
- Swint v. Samsung, No. 2:24-cv-00238-JAW, 2024 WL 3276772, at *1 (D. Me. July 2, 2024)
- Swint v. Samsung, No. 2:24-cv-00238-JAW, 2024 WL 3653886, at *2 (D. Me. Aug. 5, 2024)

OPINION

SWINT

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

ROBERT JAMES SWINT,)

) Plaintiff)) v.) 2:26-cv-00168-SDN) CLATSOP COUNTY JAIL, et al.,)) Defendants)

RECOMMENDED DECISION

AFTER REVIEW OF COMPLAINT

Plaintiff, a resident of Oregon, attempts to assert claims against the State of Oregon and other defendants based on events that evidently occurred in Oregon. (Complaint, ECF No. 1.) Following

a review of the complaint, I recommend the Court dismiss the matter.

DISCUSSION

Issues of subject matter jurisdiction “can be raised sua sponte at any time” because they relate to the fundamental Article III limitations on federal courts. See *McBee v. Delica Co.*, 417 F.3d 107, 127 (1st Cir. 2005). “A district court may dismiss a complaint sua sponte, regardless of whether or not payment of the filing fee has been received, where the allegations contained in the complaint, taken in the light most favorable to the plaintiff, are patently meritless and beyond all hope of redemption.” *Baldi v. Mueller*, No. 09-10320- DPW, 2010 WL 1172616, at *3 (D. Mass. Mar. 23, 2010); see also, *Yi v. Soc. Sec. Admin.*, 554 F. App’x 247, 248 (4th Cir. 2014) (“frivolous complaints are subject to dismissal pursuant to the inherent authority of the court, even when the filing fee has been paid. In addition, because a court lacks subject matter jurisdiction over an obviously frivolous complaint, dismissal prior to service of process is permitted); *Evans v. Suter*, No. 09-5242, 2010 WL 1632902, at *1 (D.C. Cir. Apr. 2, 2010) (“Contrary to appellant’s assertions, a district court may dismiss a complaint sua sponte prior to service on the defendants pursuant to Fed.R.Civ.P. 12(h)(3) when, as here, it is evident that the court lacks subject- matter jurisdiction”); *Rutledge v. Skibicki*, 844 F.2d 792 (9th Cir. 1988) (“The district court may sua sponte dismiss a complaint prior to the issuance of a summons if the court clearly lacks subject matter jurisdiction or lacks jurisdiction because the claim is wholly insubstantial and frivolous”); *Best v. Kelly*, 39 F.3d 328, 331 (D.C. Cir. 1994) (suggesting that dismissal for lack of jurisdiction may be warranted for complaints such as “bizarre conspiracy theories,” “fantastic government manipulations of their will or mind,” or “supernatural intervention”). A court’s expeditious sua sponte review is based on the longstanding doctrine that federal subject matter jurisdiction is lacking when the legitimate federal issues are not substantial. See *Hagans v. Lavine*, 415 U.S. 528, 536-537 (1974) (jurisdiction is lacking when claims are “so attenuated and unsubstantial as to be absolutely devoid of merit,” “wholly insubstantial,” “obviously frivolous,” “plainly unsubstantial,” “no longer open to discussion,” “essentially fictitious,” or “obviously without merit”); *Swan v. United States*, 36 F. App’x 459 (1st Cir. 2002) (“A frivolous constitutional issue does not raise a federal question, however”).¹ Although the doctrine has been criticized for conflating jurisdiction over a claim with the merits of that claim, see e.g., *Rosado v. Wyman*, 397 U.S. 397, 404 (1970) (the maxim is “more ancient than analytically sound”); *Bell v. Hood*, 327 U.S. 678, 682–83 (1946) (regarding “wholly insubstantial and frivolous” claims, “[t]he accuracy of calling these dismissals jurisdictional has been questioned”), the doctrine nevertheless remains good law. See *Crowley Cutlery Co. v. United States*, 849 F.2d 273, 276 (7th Cir. 1988) (“Although Here, Plaintiff’s filing lacks any facts that could plausibly support a federal claim. In fact, Plaintiff’s theory of recovery is indiscernible. In short, Plaintiff’s filing can be reasonably characterized as “so attenuated and unsubstantial as to be absolutely devoid of merit.”² *Hagans*, 415 U.S. at 536. The Court previously warned Plaintiff of the consequence of further frivolous or incomprehensible filings. See *Swint v. Samsung*, No. 2:24-cv-00238-JAW, 2024 WL 3653886, at *2 (D. Me. Aug. 5,

2024).³ Because Plaintiff did not heed the warning, formal filing restrictions would be appropriate.

CONCLUSION

After a review of Plaintiff's complaint, because Plaintiff's complaint can fairly be characterized as frivolous and devoid of any merit, I recommend the Court dismiss the most of the Court's statements of the principle have been dicta rather than holdings, and the principle has been questioned, it is an established principle of federal jurisdiction and remains the federal rule. It is the basis of a large number of lower-court decisions, and at this late date only the Supreme Court can change it") (internal quotations and citations omitted); see also, *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 89 (1998) (approving of the doctrine); *Cruz v. House of Representatives*, 301 F. Supp. 3d 75, 77 (D.D.C. 2018) (applying the concept to dismiss obviously meritless claims). 2 Plaintiff's filing also presents a venue challenge for Plaintiff. 28 U.S.C. § 1406(a) provides, "[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." Plaintiff has alleged no facts to suggest that the District of Maine is a proper venue in which to litigate whatever grievances he might have with the State of Oregon and the other named defendants. Even if Plaintiff's filing could conceivably be viewed as asserting a cause of action, therefore, dismissal is warranted. See *Minnette v. Time Warner*, 997 F.2d 1023, 1026 (2d Cir. 1993) ("Whether dismissal or transfer is appropriate lies within the sound discretion of the district court."). see also *Quinn v. Watson*, 145 F. App'x 799, 800 (4th Cir. 2005) (unpublished). 3 In the recommended decision that the Court adopted, in accordance with *Cok v. Fam. Ct. of R.I.*, 985 F.2d 32 (1st Cir. 1993), the Magistrate Judge recommended the Court warn Plaintiff against further groundless filings. *Swint v. Samsung*, No. 2:24-cv-00238-JAW, 2024 WL 3276772, at *1 (D. Me. Jul. 2, 2024). The Magistrate Judge determined that a warning was warranted "[b]ecause [Plaintiff] previously brought an action in this court that was dismissed for being factually frivolous, and because he appears to be a serial litigator across the country (a PACER search of his full name returns almost one hundred matters)." *Id.* matter. I further recommend the Court order that Plaintiff shall not file any further pleadings without prior leave of the Court.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. Section 636(b)(1)(B) for which de novo review by the district court sought, together with a supporting memorandum, within fourteen (14) days of being served with a copy thereof. Failure to file a timely objection shall constitute a waiver of the right to de novo review by the district court and to appeal the district court's order. /s/ John C. Nivison U.S. Magistrate Judge Dated this 7th day of April, 2026.

