

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**MAJOR MIKE WEBB, d/b/a FRIENDS FOR  
MIKE WEBB, MAJOR MIKE WEBB FOR  
CONGRESS (VA8), MAJOR MIKE WEBB  
FOR VA and MAJOR MIKE WEBB APS BOARD,**

**Plaintiff,**

**v.**

**Civil Action No. 3:21cv432**

**ANTHONY S. FAUCI, in his official and  
individual capacities, et al.,**

**Defendants.**

**ORDER**

On July 7, 2021, *pro se* Plaintiff Michael D. Webb filed a “Petition for Declaratory Relief, Preliminary Injunction and Writ of Mandamus” along with an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1.) The Court liberally construed Webb’s Petition as a complaint and provisionally filed Webb’s Complaint. (Order 2, ECF No. 2.) Because Webb did not submit the correct *in forma pauperis* application, and because Webb’s Complaint did not appear to comply with Federal Rule of Civil Procedure 8, the Court ordered Webb to submit an amended complaint along with the correct *in forma pauperis* application no later than August 16, 2021. (*Id.* 1–2.) The Court ordered that Webb’s Amended Complaint “outline[] in simple and straightforward terms why [Webb] thinks that he is entitled to relief and why the Court has jurisdiction over his case.” (*Id.* 2.) The Court warned that “failure to strictly comply with the Court’s directives and with applicable rules will result in DISMISSAL OF THIS ACTION WITHOUT PREJUDICE for failure to prosecute.” (*Id.* 3.)


On August 13, 2021, Webb timely filed his Amended Complaint (the “Amended Complaint”), (ECF No. 4), along with the requisite ghostwriting form, (ECF No. 4-1). Webb also filed another *in forma pauperis* application. (ECF No. 3.) However, this application was a mere photocopy of the previous incorrect form he had already submitted. (*Compare id. with* ECF No. 1.)

The same day, Webb filed a Motion for Temporary Restraining Order, (ECF No. 6), and a Motion for Summary Judgment on Vaccines, (ECF No. 7). Three days later, Webb filed an Emergency Motion for Temporary Restraining Order, (ECF No. 8), and an Emergency Motion for Summary Judgment Against the Vaccine[] Policy, (ECF No. 9). On September 2, Webb filed a Memorandum in Support of his Motion for Temporary Restraining Order and Motion for Summary Judgment on Vaccines. (ECF No. 10.) Three weeks after that, Webb filed an Emergency Motion for Temporary Restraining Order, or, in the Alternative, Summary Judgment on Reply to FOIA Request, along with supporting exhibits. (ECF No. 11.) On September 30, Webb filed a letter regarding “Emergency Temporary Restraining Order Hearing on [FOIA] Disclosure,” (ECF No. 12), and around two weeks later, he filed a second letter on the same matter, (ECF No. 13). On October 8, Webb filed a Praecipe directing the U.S. Marshals to serve Defendants. (ECF No. 14.) Four days after that, Webb filed a Second Notice of Emergency Motion Hearing, (ECF No. 15), and three days later filed a Third Notice of Emergency Motion Hearing, (ECF No. 16). On October 15, he filed a third letter regarding “Emergency Temporary Restraining Order Hearing,” (ECF No. 17), and a “Waiver of Service, Amended and Consolidated Action,” (ECF No. 18).

Federal Rule of Civil Procedure 41(b) allows for dismissal of an action “[i]f the plaintiff fails to prosecute or to comply with [the Federal Rules] or a court order.” Fed. R. Civ. P. 41(b). Here, the Court provided Webb with a copy of the correct *in forma pauperis* application and ordered him to submit a completed version of that form. (Order 1; ECF No. 2-1.) The Court also warned Webb that fairly to strictly comply with the Court’s directives would result in dismissal of this action without prejudice. (Order 3.) Webb nonetheless submitted an identical copy of the incorrect form he provided along with his original Complaint. (See ECF Nos. 1, 3.) For this reason, the Court **DISMISSES THIS ACTION WITHOUT PREJUDICE**. The Court also **DENIES** all outstanding motions in this case as moot.

Should Webb wish to appeal this Order, written notice of appeal must be filed with the Clerk of Court within sixty (60) days of the date of entry hereof. Failure to file a notice of appeal within the stated period may result in the loss of the right to appeal.

It is **SO ORDERED**.

  
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M. Hannah Lauch  
United States District Judge

Date: 10-29-21  
Richmond, Virginia

FILED: December 16, 2021

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 21-2394  
(3:21-cv-00432-MHL)

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MAJOR MIKE WEBB, d/b/a Friends for Mike Webb, d/b/a Major Mike Webb for U.S. Congress (VA8), d/b/a Major Mike Webb for VA, d/b/a Major Mike Webb for APS Board

Plaintiff - Appellant

v.

ANTHONY S. FAUCI, in official and individual capacities; NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASE; ROCHELLE WALENSKY, in official and individual capacities; CENTERS FOR DISEASE CONTROL AND PREVENTION; JANET WOODCOCK, in official and individual capacities; UNITED STATES FOOD AND DRUG ADMINISTRATION; MOHAMMED NORMAN OLIVER, in official and individual capacities; VIRGINIA DEPARTMENT OF HEALTH; PFIZER, INC.; MODERNATX INC.; JOHNSON & JOHNSON INC.; FACEBOOK, INC.; UNIVERSITY OF VIRGINIA; DONALD S. BEYER, in individual and official capacities; TIMOTHY M. KAINE, in official and individual capacities; MARK R. WARNER, in official and individual capacities; JUSTIN M. WILSON, in official and individual capacities; DIONNE HARDY, in official and individual capacities; OFFICE OF MANAGEMENT & BUDGET; MARK R. HERRING, in official and individual capacities; OFFICE OF THE STATE ATTORNEY GENERAL; RALPH S. NORTHAM, in official and individual capacities; BIONTECH SE; JANSSEN GLOBAL SERVICES, LLC; JENNIFER R. PSAKI, in official and individual capacities; WHITE HOUSE COMMUNICATIONS AGENCY; VIVEK MURTHY, in official and individual capacities; OFFICE OF THE SURGEON GENERAL; LLOYD J. AUSTIN, in official and individual capacities; UNITED STATES DEPARTMENT OF DEFENSE; CHRISTINE E. WORMOTH, in official and individual capacities; DEPARTMENT OF THE ARMY; XAVIER BECCERA, in official and individual capacities; UNITED

STATES DEPARTMENT OF HEALTH & HUMAN SERVICES; TED BRITT  
FORD OF FAIRFAX; RICHARD D. HOLCOLM, in official and individual  
capacities; VIRGINIA DEPARTMENT OF MOTOR VEHICLES; INGRID H.  
MORROY, in official and individual capacities; COMMISSIONER OF  
REVENUE FOR COUNTY OF ARLINGTON; CAPITAL INVESTMENT  
ADVISORS, LLC; A-1 TOWING OF NORTHERN VIRGINIA; JOHN AND  
JANE DOES

Defendants - Appellees

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O R D E R

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The court grants leave to proceed in forma pauperis.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

**Additional material  
from this filing is  
available in the  
Clerk's Office.**