

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

NEIL DURRANT, EVE DURRANT,

Plaintiffs,

v.

**LUIS CONCEPTION, EDWIN CRUZ,
NAOMI JOSEPH, JAME CORNELIUS,**

Defendants.

1:26-cv-00002-RAM-EAH

**TO: Neil Durrant, *Pro Se*
Eve Durrant, *Pro Se***

**ORDER AND
REPORT AND RECOMMENDATION**

THIS MATTER comes before the Court on a Complaint lodged on January 30, 2026 by Plaintiffs Neil Durrant and Eve Durrant, appearing pro se, against Luis Conception, Edwin Cruz, Naomi Joseph, and Jame Cornelius,¹ Defendants. Dkt. No. 1. In addition, Mr. Durrant has filed two Motions to Proceed In Forma Pauperis in a Non-Prisoner Civil Action. Dkt. No. 2, 14. For the reasons that follow, the Court will deny the Motions to Proceed In Forma Pauperis and will recommend to the District Judge that the Complaint be dismissed for lack of subject matter jurisdiction, with leave for the Durrants to file an Amended Complaint that properly asserts subject matter jurisdiction.

¹ The caption of the Complaint names this Defendant as "Jame Cornelius" while the summons indicates his name is "James Cornelius."

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BACKGROUND

On January 30, 2026, a Complaint pursuant to 42 U.S.C. § 1983 was lodged on the Court's pre-printed complaint form. Dkt. No. 1. While Neil Durrant and Eve Durrant were listed in the caption as pro se Plaintiffs, the form named only Neil Durrant as a Plaintiff and was signed by only Mr. Durrant. The Complaint named Luis Conception and Edwin Cruz, Task Force Officers, as Defendants, even though the caption named Conception, Cruz, Naomi Joseph, and Jame Cornelius. *Id.* The causes of action listed in the complaint were "privacy," "employment," "legal recourse," and "harassment." *Id.*

The factual narrative in support of the claims provided that, in 2001, Mr. Durrant was "drugged and tricked into being used as a monitoring device for New Vizion." *Id.* at 3. He did not sign a contract with New Vizion and has had "trouble remembering since then." *Id.* His wife, Eve Durrant, was also "drugged to forget who she is." *Id.* He and his wife work for the military and "were supposed to create a military presence in the Virgin Islands." They worked for special law enforcement and were drugged even more. Defendants Conception and Cruz admitted stealing guns from the National Guard base. They gave a police officer job to Jahmal Daniels who admitted having a plan to kill Mr. and Mrs. Durrant. *Id.* Ever since, Mr. Durrant could not find his wife, Eve Durrant. *Id.* at 4. As to damages, Mr. Durrant asserted that he was in the hospital in 2020 and he was still being "hit with direct energy weapons stolen from the United States military and used by regular police in the Task Force Office." *Id.*

Along with his Complaint, Mr. Durrant filed a Motion for Leave to Proceed In Forma Pauperis on the Court's form. Dkt. No. 2. He did not answer all of the questions. Those

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questions he did answer indicated he was not employed and had no income. It named two dependents and provided no additional information. *Id.*

On February 4, 2026, the summonses were returned executed, showing that Mr. Durrant personally served the summonses for all four Defendants on M. Jones at the Wilbur Francis Command of the Virgin Islands Police Department. Dkt. No. 8-11.

On February 12, Mr. Durrant filed supplemental documents to the Complaint. Dkt. No. 13. The cover letter, which was also stamped by the Superior Court of the Virgin Islands on January 7, 2026, reiterated many of the assertions Mr. Durrant included in his Complaint, such as that he was “being hit by direct energy weapons” and that he was working for the U.S. military on St. Croix. The document added some new details such as that he was at the “task force building in 2015 working as the Adjutant General,” that he is being targeted and, that he was supposed to investigate the VIPD on orders coming from Kentucky in 2005. *Id.* He attached a number of exhibits, including: a written document complaining of stolen money, Dkt. No. 13-1; a 2023 case report card from Miami, Florida, Dkt. No. 13-2; an IRS Identity Theft Affidavit from 2023, filed in Miami, Dkt. No. 13-3; a blank arrest warrant, Dkt. No. 13-4; a 2023 Official Sanction Report from the Florida Department of Highway Safety, Dkt. No. 13-5; and an October 2023 letter to him from the Hampton, Virginia General District Court, Dkt. No. 13-6.

Mr. Durrant filed a second Motion to Proceed In Forma Pauperis on the Court’s IFP form on February 12, 2026. Dkt. No. 14. He indicated he was not employed, had no source of money and no money in any checking or savings accounts. *Id.*

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DISCUSSION

I. Motions for In Forma Pauperis Status

A. Legal Standard

The in forma pauperis statute, 28 U.S.C. § 1915, allows courts to “authorize the commencement, prosecution or defense of any suit, action or proceeding . . . without prepayment of fees[.]” 28 U.S.C. § 1915(a)(1). While the IFP statute refers to prisoners, courts apply the statute “to all persons applying for IFP status, and not just to prisoners.” *Mohn v. United States*, No. 23-cv-2653, 2023 WL 4684918, at *3 n.36 (E.D. Pa. July 20, 2023) (citation modified). Congress enacted the IFP statute “to ensure that indigent litigants have meaningful access to the federal courts.” *Bruce v. Samuels*, 577 U.S. 82, 85 (2016).

Courts may waive the prepayment of fees if the litigant “submits an affidavit that includes a statement of all assets [and] . . . that the person is unable to pay such fees or give security.” *Id.* In assessing an IFP motion, a court evaluates the litigant’s financial statement for a showing of indigence. *Deutsch v. United States*, 67 F.3d 1080, 1084 n.5 (3d Cir. 1995). In making that evaluation, a court may consider factors including “(1) possible aid from friends or relatives; (2) possible aid from charities; (3) regular employment; (4) earning power; (5) unencumbered assets; (6) retention of counsel; and (7) the particular cost relative to the applicant's financial means.” *Mohn*, 2023 WL 4684918, at *3 & n.41 (citing cases). A court may also “consider the resources that the applicant has or can get from those who ordinarily provide the applicant with the ‘necessities of life,’ such as ‘from a spouse, parent, adult sibling or other next friend.” *Id.* (citation modified).

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“[I]t is appropriate for a . . . court to seek additional information about a plaintiff’s financial status when questions are raised by his in forma pauperis application.” *Cason v. Johnston*, No. 20-cv-4695, 2020 WL 12654452, at *1 (E.D. Pa. Nov. 9, 2020) (citing cases). Approving a motion to proceed without paying fees is within a court’s discretion. *Johnson v. City of Phila.*, 589 F. Appx 419, 429 (3d Cir. 2015). When exercising that discretion, a court “must be rigorous . . . to ensure that the treasury is not unduly imposed upon.” *Id.* (citation modified). It is Mr. Durrant’s burden to prove a basis to proceed without paying filing fees. *Bornstein v. McMaster-Carr Supply Co.*, No. 23-cv-2849, 2023 WL 4373221, at * (D.N.J. July 6, 2023); *In re Lassina*, 261 B.R. 614, 618 (Bankr. E.D. Pa. 2001).

B. Application

Both of Mr. Durrant’s IFP Motions raise questions that the Court needs answers to before it can adjudicate the Motions. He indicates that he has no income whatsoever and no debts. In fact, he provides next to no information regarding how he survives with no funds to support himself. A person cannot live without paying for food and housing; if the person has no money (and is not incarcerated), then someone or some agency must be supporting that person. Mr. Durrant’s IFP application provides no insight into how he is able to survive without any assets. His application does not indicate where the resources come from that would provide him with “the necessities of life.” *Cason*, 2020 WL 12654452, at *1 (citation modified)—and whether that resource might be available to underwrite his filing fee.

Because Mr. Durrant’s Motions to Proceed IFP, Dkt. Nos. 2, 14, do not provide sufficient information for the Court to understand his financial situation, the Court will deny both motions without prejudice. Nevertheless, the Court will permit Mr. Durrant to resubmit a

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properly and fully completed form in which he should address the issues raised above. Alternatively, he may proceed with his case by paying \$405.00 to the Clerk of Court within 30 days of the date of this Order.

II. Section 1915(e)(2) Screening

A. Legal Standard

Where a plaintiff has applied for leave to proceed *in forma pauperis*, a court must screen the complaint for cognizable claims and *sua sponte* dismiss all or any part of an action that is “frivolous,” “malicious,” “fails to state a claim upon which relief may be granted,” or “seeks monetary relief from a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B). Furthermore, “[i]f the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3). Courts may raise issues of subject matter jurisdiction *sua sponte*. See *Nesbit v. Gears Unlimited, Inc.*, 347 F.3d 72, 76-77 (3d Cir. 2003) (“because subject matter jurisdiction is non-waivable, courts have an independent obligation to satisfy themselves of jurisdiction if it is in doubt.”).

A complaint is frivolous when it “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). A claim lacks an arguable basis in law when it is “based on an indisputably meritless legal theory.” *Id.* at 327. Whether a complaint fails to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B) is governed by the same standard as Rule 12(b)(6) of the Federal Rules of Civil Procedure. *Tourscher v. McCullough*, 184 F.3d 236, 240 (3d Cir. 1999) (applying Rule 12(b)(6) standard in appeal of dismissal under § 1915(e)(2)(B)(ii)). Accordingly, a court must determine whether the complaint includes

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“sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009) (citation modified).

Pleadings drafted by a *pro se* litigant, “however inartfully pleaded,” are held to a less stringent standard than those drafted by attorneys. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). Such *pro se* pleadings are to be “liberally construed.” *Estelle v. Gamble*, 429 U.S. 97, 106 (1976). The principles requiring generous construction of *pro se* complaints are not without limits, as a *pro se* litigant “must still plead the essential elements of his claim and is not excused from conforming to the standard rules of civil procedure.” *Nayak v. Voith Turbo, Inc.*, No. 14-cv-2015 WL 1605576, at *4 n.6 (M.D. Pa. Apr. 9, 2015) (citation modified).

B. Application

It is difficult to discern what Mr. Durrant’s claims may actually be. His Complaint and supporting documents allege that he has been subjected to drugging during his work in creating a military presence in the Virgin Islands, where he worked for special law enforcement who are also trying to kill him, and that he has been subjected to “direct energy weapons” used by law enforcement against him. Dkt. No. 1. In his supplement, he adds that he is being targeted by drones and was supposed to work undercover for 25 years.

On the basis of these allegations, the Court concludes that it lacks subject matter jurisdiction over the Complaint because the allegations are so “implausible” and unrooted in reality that they do not confer jurisdiction on the Court. *See, e.g., Will v. Agency*, No. 22-cv-4394, 2022 WL 17252200, at *4 (E.D. Pa. Nov. 28, 2022) (collecting cases).

Courts within and outside of this Circuit have found dismissal appropriate where a complaint is based on facts alleged by *pro se* plaintiffs similar to those presented by Mr.

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Durrant. Indeed, where litigants allege government attempts at mind control, targeting by electronic weapons, and covert electronic harassment, federal courts have held that they lack subject-matter jurisdiction over such claims. *Id.*; see also *Roum v. Bush*, 461 F. Supp. 2d 40, 46-47 (D.D.C. 2006) (finding court lacked jurisdiction over complaint alleging FBI was subjecting plaintiff to chemical poisoning and mind control because those were “precisely the type of inherently unrealistic allegations that must be dismissed for lack of jurisdiction”). And “federal courts routinely dismiss allegations that the . . . FBI . . . [is] targeting individual citizens with the intention to track, surveil, monitor, attack, or torture these individuals with directed energy weapons, microwave radiation, satellite technology, and the like as factually frivolous” under 28 U.S.C. § 1915(e)(2), “finding that these allegations are fanciful, fantastic, delusional, irrational, or wholly incredible.” *Caterbone v. PNC Bank*, No. 22-cv-1574, 2022 WL 2703613, at *4 n.5 (E.D. Pa. July 12, 2022) (collecting cases); see also *Price v. FBI*, No. 20-3015, 2020 WL 4368063, at *3 (E.D. Pa. July 30, 2020), *aff'd*, 845 F. App'x 106 (3d Cir. 2021) (allegations were factually frivolous where pro se plaintiff asserted that numerous law enforcement agencies were using neurological and psychological technology to control the plaintiff's mind).

Accordingly, the Court recommends that the District Judge dismiss the Complaint without prejudice for lack of subject-matter jurisdiction. However, because Mr. Durrant is proceeding pro se, it is also recommended that the District Judge provide him an opportunity to file an Amended Complaint that may cure the subject matter jurisdiction defects noted above. See *Harris v. Franklin Cnty. Sheriff Off.*, No. 1:23-CV-350, 2023 WL 11983201, at *1 (M.D. Pa. May 8, 2023), *R&R adopted* 2023 WL 11983200 (M.D. Pa. May 31, 2023) (“in civil

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rights cases *pro se* plaintiffs often should be afforded an opportunity to amend a complaint before the complaint is dismissed in its entirety,” citing *Fletcher-Hardee Corp. v. Pote Concrete Contractors*, 482 F.3d 247, 253 (3d Cir. 2007)).

CONCLUSION

Accordingly, it is **ORDERED** that Mr. Durant’s Motions for In Forma Pauperis Relief, Dkt. Nos. 2 at 14, are **DENIED WITHOUT PREJUDICE**. The Court will provide Mr. Durrant with one more opportunity to file a proper Motion for In Forma Pauperis that addresses the deficiencies pointed out above.

The undersigned Magistrate Judge hereby **RECOMMENDS** that Plaintiff Neil Durrant’s Complaint, Dkt. No. 1, be **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

It is further **RECOMMENDED** that the District Judge permit Mr. Durrant an opportunity to timely file an Amended Complaint in an effort to cure the subject matter jurisdiction defects noted in this Report & Recommendation.

Any objections to this Report and Recommendation must be filed in writing within fourteen (14) days of receipt of this notice, 28 U.S.C. § 636(b)(1), and must “specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis of such objection.” LRCi 72.3. Failure to file objections within the specified time shall bar the aggrieved party from attacking such Report and Recommendation before the assigned District Court Judge. *See, e.g., Thomas v. Arn*, 474 U.S. 140 (1985).

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The Clerk's Office is directed to send a copy of this Order and Report & Recommendation to Mr. Durrant by certified mail, return receipt requested.

ENTER:

Dated: March 6, 2026

/s/ Emile A. Henderson III
EMILE A. HENDERSON III
U.S. MAGISTRATE JUDGE