

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THEODORE TOBIAS,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	23-cv-11307-XXX
)	
JOHN SMITH,)	
)	
Defendant.)	
)	

**MEMORANDUM AND ORDER ON DEFENDANT'S
MOTION TO DISMISS**

PER CURIAM

For the fourth time, *pro se* plaintiff Theodore Tobias has sued a FedEx executive alleging loss or theft of a package. Plaintiff seeks \$450 billion in damages and appears to assert claims for breach of contract, negligence, larceny, theft, and violations of Mass. Gen. Laws ch. 93A. This is at least the tenth complaint filed by plaintiff in this court, many of which assert substantially similar claims.

Defendant John A. Smith has moved to dismiss the complaint on four grounds: (1) frivolity; (2) failure to state a claim under Fed. R. Civ. P. 12(b)(6); (3) lack of personal jurisdiction under Fed. R. Civ. P. 12(b)(2); and (4) preemption by the Carmack Amendment, 49 U.S.C. § 14706 *et seq.*

On October 19, 2023, this Court enjoined plaintiff from filing further actions in this court absent express written approval from a United States District Judge of this court. Because this action was filed on June 9, 2023, it is not subject to that injunction. Nonetheless, this case, like

its predecessors, is without merit, and will be dismissed. Specifically, the complaint fails to state a plausible claim for relief within the requirements of Rule 12(b)(6).

Accordingly, defendant's motion to dismiss the complaint without leave to amend is
GRANTED.

So Ordered.

United States District Court
for the District of Massachusetts
Per Curiam

Dated: October 23, 2023