

**FILED**

JUL 29 2009

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**Clerk, U.S. District and  
Bankruptcy Courts**

CALVIN AVANT,

Plaintiff,

v.

LOS ANGELES CENTRAL  
COMMUNITY POLICE STATION, *et al.*,

Defendants.

Civil Action No. **09 1415**

**MEMORANDUM OPINION**

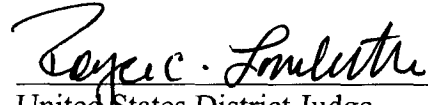
This matter comes before the court on plaintiff's application to proceed *in forma pauperis* and *pro se* civil complaint. The court will grant the application, and dismiss the complaint.

It appears that plaintiff was arrested for and convicted of a drug offense and served a four-year term of imprisonment after the court revoked probation. He alleges that his complaints of police misconduct were ignored, and he now seeks to hold the State of California liable for a "cover up, and letting Things go on, even after [his] complaints[.]" Compl. at 8 (page number designated by the Court). Notwithstanding his release from custody, plaintiff "demand[s] to Be released from the California Law System and conspiracy [sic]." *Id.* at 9.

The court must dismiss a complaint if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. 28 U.S.C. § 1915A(b)(1). In *Neitzke v. Williams*, 490 U.S. 319 (1989), the Supreme Court states that the trial court has the authority to dismiss not only claims based on an indisputably meritless legal theory, but also claims whose factual contentions are clearly baseless. Claims describing fantastic or delusional scenarios fall into the category of cases whose factual contentions are clearly baseless. *Id.* at 328. The trial court has the discretion to decide whether a complaint is frivolous, and such finding is appropriate when the facts alleged

are irrational or wholly incredible. *Denton v. Hernandez*, 504 U.S. 25, 33 (1992).

The court is mindful that complaints filed by *pro se* litigants are held to less stringent standards than formal pleadings drafted by lawyers. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972). Having reviewed plaintiff's complaint, the court concludes that its factual contentions are baseless. For this reason, the complaint is frivolous and must be dismissed. An Order consistent with this Memorandum Opinion is issued separately.

  
United States District Judge

Date: 7/27/09