

FILED

FEB 07 2006

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

ROBERT JOSEPH PILGRIM,

Petitioner,

v.

JANET NAPOLITANO, *et al.*,

Defendants.

Civil Action No. 05-2414

MEMORANDUM OPINION

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

Plaintiff alleges that defendants have attempted to kill him because, among other things, he designed and built exercise facilities at an Arizona prison and he arranged for Arizona to pay for the 2004 Olympic Games. In addition, plaintiff alleges that defendants have caused his two strokes, sprayed chemicals and hairspray at him while he slept, poured battery acid in his shoes, and poisoned his food with cyanide, arsenic, antifreeze and mercury. He demands monetary damages and the transfer to him of assets belonging to defendants.

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 and wholly incredible. 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: 1-24-06