UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DENARD DARNELL NEAL,	)
	)
Plaintiff,	)
	)
v.	) Civil Action No. 06-1124 (ESH)
	)
JOHN SNOW, *et al.*,	)
	)
Defendants.	)
	)

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon review of defendants' partial motion to dismiss and plaintiff's opposition. Plaintiff is proceeding *pro se*, and he appears to have some complaint against the United States Department of the Treasury regarding the maintenance of a UCC trust account in a fictitious name. Plaintiff's opposition provides no further rationale or explanation for his complaint.

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 stated 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. Trial courts have the discretion to decide whether a complaint is frivolous, and such findings are 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). Nonetheless, having reviewed plaintiff's complaint, the Court concludes that, with the exception of his FOIA claim, the factual allegations are baseless and wholly incredible.

The Court therefore will **GRANT** defendants' partial motion to dismiss [Dkt. No. 6] and dismiss plaintiff's non-FOIA claims. The Court, by order dated August 19, 2006, has set a briefing schedule for the FOIA claim.

SO ORDERED.

                                                            _____s/_____
ELLEN SEGAL HUVELLE
United States District Judge

Dated: September 20, 2006