

FILED

JAN 24 2008

**NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT**

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

PAUL RUIZ,

Plaintiff,

v.

KING GEORGE W. BUSH, *et al.*,

Defendants.

Civil Action No.

08 0135

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 are "using soft torture and psychological warfare propaganda" through "Depravation of sleep through contamination of food from hostile community and extremely noisy environment," illegal wire tapping and surveillance, "Nakedness in Government institutions," and "Community and government gangstalking," among other means. Compl. at 2. In addition, plaintiff alleges that federal and certain state governments use the media and encrypted subliminal messages to deprive him "of all rights from human to bill of rights." *Id.* He demands monetary damages among other relief, but does not demand a jury trial "due to the widespread destruction of character slander." *Id.* at 3.

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: *January 15, 2008*