

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

APR 25 2008

Clerk, U.S. District and
Bankruptcy Courts

FELICIA LYNUM,

Plaintiff,

v.

UNITED STATES GOVERNMENT,

Defendant.

Civil Action No.

08 0733

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 begins her complaint as follows:

Crimes against Humanity, Motel 6 Washington, DC the latest [sic] Obstruction of Justice, By District Courts of United States, the U.S. Appealant [sic] Courts and the US Supreme Court Refusing to allow me to file and Due Process of the law allowing crimes of murder, torture, rape, sodomy, theft including identity with properties, monies, body parts, animals, business, movies TV, radio interview, homes vehicles, etc.

Compl. at 1. She proceeds by alleging that the government has violated her by implanting microchips into her body without consent, *id.* at 2, torturing her in other ways, *see id.*, and causing her to be homeless and to live in poverty. *See id.* at 3. It is not clear whether or what relief plaintiff demands.

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

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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: 4/8/08