

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
AUG - 5 2008
Clerk, U.S. District and
Bankruptcy Courts

STANELY PAUL SMITH,

Plaintiff,

v.

GEORGE W. BUSH *et al.*,

Defendants.

Civil Action No.

08 1346

MEMORANDUM OPINION

This matter is before the Court on review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application to proceed *in forma pauperis* will be granted and the complaint will be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) (requiring dismissal upon a determination that the complaint is frivolous).

Plaintiff is housed at the Fulton State Hospital in Fulton, Missouri, an institution operated by the Missouri Department of Mental Health. The complaint names as defendants the U.S. President, the U.S. Senate, the U.S. House of Representatives, U.S. Supreme Court Justice Clarence Thomas, all the judges of the U.S. Court of Appeals for the Eighth Circuit, a U.S. District Court judge, two nationwide telecommunications companies, and the governor and attorney general for the state of Missouri. In his 30-page complaint, plaintiff alleges long-running and widespread conspiracies both to "take over the United States" and to deprive him of "access to courts." (Compl. at 1.) On the basis of his conspiracy theories, he seeks a declaration that the recently enacted federal law addressing government eavesdropping on citizens' telecommunications and granting immunity from suit to certain telecommunications companies

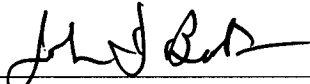
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for certain past practices is unconstitutional, and an injunction preventing it from taking effect. In addition, he requests that two of the several lawsuits he has previously filed be “taken to trial in all haste.” (Compl. at 30.) In fact, the two lawsuits mentioned in his complaint, Civil Action 04-5131 and Civil Action 07-4186, both filed in United States District Court for the Western District of Missouri and naming numerous defendants alleged to have conspired to violate plaintiff’s civil rights, have each been finally dismissed. In the latter case, the suit was dismissed as frivolous under 28 U.S.C. § 1915.

The complaint here presents the type of fantastic or delusional scenarios found to justify immediate dismissal of a complaint as frivolous. *Neitzke v. Williams*, 490 U.S. 319, 328 (1989); *Best v. Kelly*, 39 F.3d 328, 330-31 (D.C. Cir. 1994). Accordingly, this complaint will be dismissed under 28 U.S.C. § 1915(e)(2)(B)(i) as frivolous. A separate Order of dismissal accompanies this Memorandum Opinion.

Date: July 30, 2008


United States District Judge