FILED

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

OCT 2 2008

NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT

Shaun Francis,)
Plaintiff,)
v.	Civil Action No. 1684
Food & Drug Admin.,)
Defendant.)

MEMORANDUM OPINION

Plaintiff has filed a *pro se* complaint and an application to proceed *in forma pauperis*. The application will be granted, but the complaint will be dismissed for failure to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2)(B)(ii).

Plaintiff expresses his concern that the Food and Drug Administration ("FDA") is incompetent. (Compl. at 1.) He believes that the FDA has approved for sale a steroid perfume that constitutes sexual harassment by those who wear this steroid perfume. (*Id.*) Plaintiff's own experience is that smelling such steroid perfume gives a person "dirty thoughts" and he is concerned that this substance poses as great a threat to society in general as the atom bomb. (*Id.*) He contends that he was the victim of persons who wear this substance, and that he lost a job over its effect on him, which he considers to be sexual harassment. (*Id.* at 6.) Plaintiff seeks \$200 million from the FDA.

Where a plaintiff is proceeding *in forma pauperis*, a court is obligated to review the complaint and dismiss it if it is clear that it fails to state a claim upon which relief may be

granted. Here, the complaint states no claim upon which relief may be granted. Accordingly, the complaint will be dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Date:

9/18/08

E SHUKK United States District Judge