

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

DEC 2 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Ernest L. Dixon,

Plaintiff,

v.

Division of Motor V[e]hicles,

Defendant.

Civil Action No. 08 2060

MEMORANDUM OPINION

Now before the Court are plaintiff's application to proceed *in forma pauperis* and *pro se* complaint. The Court will grant plaintiff's *in forma pauperis* application and dismiss the complaint as frivolous.¹

The complaint identifies the plaintiff as a retired admiral residing at 1600 Pennsylvania Avenue, Washington, D.C., which the Court judicially notices as the address of The White House.² He brings this action against the Division of Motor Vehicles in Newport News, Virginia because it required him to produce a birth certificate "to have [his] Virginia state driving license re-instated." Compl. at 1. He demands damages of \$500,000,000.00 plus punitive damages in the same amount. *Id.*

A complaints that describes a fantastic or delusional scenario is subject to immediate

¹ In proceedings where leave to proceed *in forma pauperis* is granted, the Court must "dismiss the case at any time [it] determines that . . . the action . . . is frivolous." 28 U.S.C. § 1915(e)(2)(B)(i).

² To the address the plaintiff adds a zip code of 23607, which is a zip code for Newport News, Virginia. See www.usps.com/zip4.

dismissal. *See Neitzke v. Williams*, 490 U.S. 319, 328 (1989); *Best v. Kelly*, 39 F.3d 328, 330-31 (D.C. Cir. 1994). Moreover, a complaint may be dismissed as frivolous when it lacks “an arguable basis in law and fact.” *Brandon v. District of Columbia Bd. of Parole*, 734 F.2d 56, 59 (D.C. Cir. 1984). Because this complaint qualifies for such treatment, the Court will dismiss it by separate Order issued contemporaneously.



United States District Judge

Date: October 28, 2008