

FILED

SEP 29 2009

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LLOYD BELL,

Plaintiff,

v.

A.F. BEELER,

Defendant.

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Civil Action No.

09 1857

MEMORANDUM OPINION

This matter comes before the court on review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted, but the complaint will be dismissed.

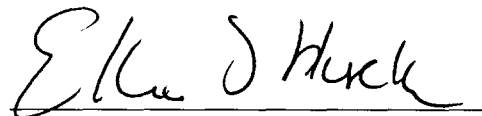
Plaintiff alleges that the defendant, the Warden of the Federal Medial Center in Butner, North Carolina, has engaged in a criminal conspiracy. According to plaintiff, defendant "knows the vegetables have a crack line H.C.I. [Head Cavity Insensitive] poison drug in them," Compl. at 3 (brackets in original), yet defendant allows such food to be served at the facility, *see id.* at 2-3. Plaintiff alleges that he has consumed such contaminated food and that his "nose was spread wider than usual," that his "eyelids were swollen," and that he "noticed crack lines in [his] face and eyelids as a result of the dineing [sic] room food." *Id.* at 2. He demands "restitutional punishment money for the crimes exposed in this complaint" of \$1 million. *Id.*

The court must dismiss a complaint if it is frivolous or malicious. 28 U.S.C. §§ 1915(e)(2)(B)(i), 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 those applied to formal pleadings drafted by lawyers. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972). Having reviewed plaintiff's complaint, it appears 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:

9/24/09