

FILED

JAN - 6 2010

**Clerk, U.S. District and
Bankruptcy Courts**

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ANDREW GILL,

Plaintiff,

v.

THE DEPARTMENT OF JUSTICE, *et al.*,

Defendants.

Civil Action No.

10 0020

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.

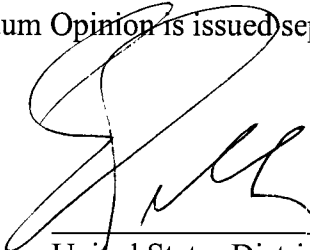
The court must dismiss a complaint if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. 28 U.S.C. § 1915(e)(2)(B)(i). In *Neitzke v. Williams*, 490 U.S. 319 (1989), the Supreme Court states that the trial court has the authority to dismiss not only claims based on 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 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).

In a lengthy and rambling complaint, plaintiff alleges that he has been harassed by agents of the United States Secret Service, that police stalked him, that he was forced to save the life of a veteran in St. Louis, Missouri, that he was convicted of criminal offenses in Hannibal,

Missouri, that he was sexually assaulted in Sacramento, California, that he worked as an undercover informant for the Drug Enforcement Administration, that he was denied a proper education in elementary, middle, and high schools, and that others have accused him of using LSD. Review of the attachments to the complaint sheds no light on the substance of his claims.

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 few factual contentions are baseless and wholly incredible. For this reason, the complaint is frivolous and must be dismissed. *See* 28 U.S.C. § 1915(e)(2)(B)(i).

An Order consistent with this Memorandum Opinion is issued separately.



United States District Judge

Date:

12/29/09