FILED

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Clerk, U.S. District and Bankruptcy Courts

AARON L. SCHNITZLER,)			
Plaintiff,)			
v.)	Civil Action No.	10	0341
UNITED STATES OF AMERICA, et al.,)			- •
Defendants.)			

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)(1)(B). 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).

Plaintiff has declared himself a sovereign nation. *See* Compl. at 3. Accordingly, he has sent defendants the "Constitution of Aaron Lee Schnitzler the Sapianist of the Americas and

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Treaty of the Sapianist to the United States of America and the United Nations[.]" Id. at 2.

Plaintiff has attempted to relinquish his United States citizenship, id., and apparently considers

his current incarceration in the State of South Dakota both a violation of the treaty and an act of

war against a foreign nation. See id. at 6. He demands a declaratory judgment identifying him as

a sovereign nation, id. at 7, monetary damages, id., and deportation. Id. at 8.

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, the court concludes that its factual

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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.

DATE: 2/2/2010

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