

FILED

MAY 13 2010

**Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia**

Karlos Latwian Harris,

Plaintiff,

V.

United States of America,

Defendants.

Civil Action No.:

10 0773

MEMORANDUM OPINION

The plaintiff has filed an application to proceed without prepayment of fees and a pro se complaint. The application will be granted and the complaint will be dismissed without prejudice.

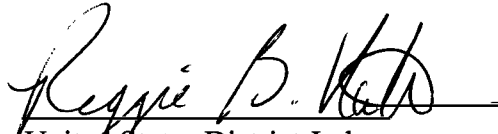
The plaintiff, an inmate under sentence imposed by a Michigan state court, has filed a complaint for declaratory relief “that would end the controversy surrounding [his] legal status.” Compl. at 2. Acknowledging that he was born in Arkansas, he characterizes himself as “not a citizen,” *id.* at 4 ¶ 3, but an “irrevocable trust,” *id.* 5 ¶ 1, and seeks a declaratory judgment that he is “foreign to the United States’ jurisdiction,” and that he may “operate in an official capacity within the jurisdiction of the United States as trustee and secured party for that trust Karlos Latvian Harris,” *id.* at 7 ¶¶ 1, 3.

Whether this complaint presents “an indisputably meritless legal theory,” or is based on “factual contentions [that] are clearly baseless” and “describ[e] fantastic or delusional scenarios,” it warrants dismissal on either account. *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989) (determining that courts are authorized by 28 U.S.C. § 1915(e) to dismiss claims based on

meritless legal theories, and that they have the “unusual power to pierce the veil of the complaint’s factual allegations and dismiss those claims whose factual contentions are clearly baseless”). Accordingly, this complaint will be dismissed under 28 U.S.C. § 1915(e)(2)(B)(i) (requiring dismissal of frivolous complaints).¹

A separate order accompanies this memorandum opinion.

Date: *April 22, 2010*


United States District Judge

¹ This decision constitutes a “strike” for the purposes of 28 U.S.C. § 1915(g).