

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
NOV 18 2010
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

WILLIAM J. PAUL,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No.

10 1980

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 alleges that he "has been on military machinery called electro-

magnetic pulse” and that he is “under twenty-four hour surveillance which has been posted on the internet.” Compl. at 1. He further alleges that he is “listening to the transmission of voices from this same website” and that he has received “threats . . . from government agencies as well as the public.” *Id.* He demands unspecified compensation for the pain, discomfort, brain damage, and physical injury he has suffered. *Id.* at 1-2.

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 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: 15 November 2010


United States District Judge