

FILED

FEB - 8 2011

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

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

ANTONIO COLBERT,

Plaintiff,

v.

VICTIMS OF CRIME,

Defendant.

Civil Action No.

11 0317

MEMORANDUM OPINION

This matter is before the Court upon consideration of plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. The application will be granted, and the complaint will be dismissed.

Plaintiff alleges that he has "been the victim of unscrewpolous [sic] crimes committed [sic] committed by this city (Cincinnati, Ohio)." Compl. at 2. For example, he alleges that the "city put [him] in jail for whatever story they could make up . . . just to stamp out any promise [he] had of being a successful athlete [sic], and in the process, defamed [his] character." *Id.* He demands that "[t]he President of these United States . . . be made aware of this injustice, because it isn't hard to figure out this federally funded organization's prejudice." *Id.* Plaintiff demands damages of \$50 million. *Id.*

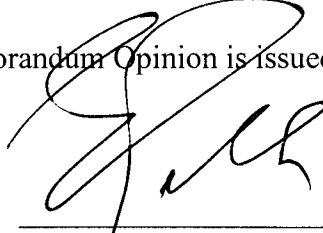
In *Neitzke v. Williams*, 490 U.S. 319 (1989), the Supreme Court states that the trial court has the authority to dismiss not only claims based on an indisputably meritless legal theory, but also claims whose factual contentions are clearly baseless. Claims describing fantastic or delusional scenarios 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

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finding is appropriate when the facts alleged are irrational or wholly incredible. *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). The Court deems the instant complaint frivolous, and accordingly, dismisses this action under 28 U.S.C. § 1915(a)(2)(B)(i).

An Order consistent with this Memorandum Opinion is issued separately.

A handwritten signature in black ink, appearing to be "J. L. H.", written over a horizontal line.

United States District Judge

DATE:

1/24/11