

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

FEB - 8 2011

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

ANTONIO COLBERT,

Plaintiff,

v.

OHIO ATTORNEY GENERAL
RICHARD CORDRAY,

Defendant.

Civil Action No.

11 0319

MEMORANDUM OPINION

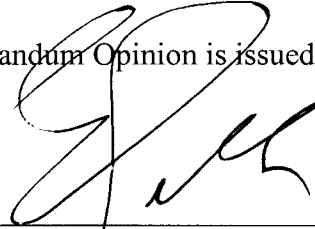
This matter is before the Court upon consideration of plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. The application will be granted, and the complaint will be dismissed.

Plaintiff, who currently resides in the District of Columbia, alleges that he has "been kidnapped by the State of Ohio," a matter which "the state has kept . . . consealed [sic]." Compl. at 2. That plaintiff was "put in jail for telling the truth . . . is one of a hundred reasons [he is] sueing [the defendant]." *Id.* In addition to damages of \$100 million, plaintiff demands that "[t]his matter . . . go to President Obama's desk." *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 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, consisting of a large, stylized 'G' followed by a series of loops and a final horizontal stroke.

United States District Judge

DATE:

1/24/11