

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
MAR 22 2011
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

Michael K. Ciacci,

Plaintiff,

v.

United States, *et al.*,

Defendants.

Civil Action No. **11 0590**

MEMORANDUM OPINION

This matter is before the Court on its initial review of plaintiff's *pro se* complaint and application for leave to proceed *in forma pauperis*. Pursuant to 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint upon a determination that it, among other grounds, is frivolous. 28 U.S.C. § 1915(e)(2)(B)(i).

Plaintiff is a resident of Los Angeles, California. He sues former United States Congressman Neil A. Abercrombie, who is the current Governor of Hawaii, United States Congresswoman Colleen Hanabusa, representative of Hawaii's First Congressional District, Hawaii State Senator Les Ihara, Jr., a telecommunications company, and a cable company for "willfully, recklessly and negligently conspir[ing] to inflict real injuries and otherwise assault[] plaintiff" in February 2009. Compl. at 2. Plaintiff also alleges, *inter alia*, that defendants "willfully, recklessly, and negligently searched and seized [his] personal property in clam [sic] for political purposes." *Id.* Plaintiff does not state exactly what acts were committed, but he alleges that "[a]s a result[,] [he] was unconscious for seven hours, incurred serious concussion and laceration to face, was prevented from transacting his business, suffered great pain of body

and mind, and incurred expenses for medical attention and hospitalization in the sum of over one thousand dollars.” *Id.* He seeks \$ 1.6 billion in damages. *Id.* at 3. In addition to the alleged common law torts, plaintiff purports to sue under the Constitution and “the United [sic] and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001,” *id.* at 1, commonly known as the Patriot Act (Pub. L. 107-56, Oct. 26, 2001, 115 Stat. 272).

Plaintiff’s far-fetched accusations against the varied defendants present the type of fantastic or delusional scenarios or “fanciful factual allegation[s]” warranting dismissal under § 1915(e)(2) on the ground of frivolousness. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); accord *Best v. Kelly*, 39 F.3d 328, 330-31 (D.C. Cir. 1994). A separate Order of dismissal accompanies this Memorandum Opinion.


United States District Judge

Date: March 18, 2011