

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

AUG 12 2011

Clerk, U.S. District and
Bankruptcy Courts

JO ANN MYERS STEPNEY,

Plaintiff,

v.

JSTOR, *et al.*,

Defendants.

Civil Action No.

11 1465

MEMORANDUM OPINION

This matter comes before the Court on the plaintiff's application to proceed *in forma pauperis* and *pro se* civil complaint. The Court will grant the application, and dismiss the complaint.

Plaintiff appears to allege that the defendant is using a logo of her design without crediting her or paying her for her for the work she created. Compl. at 2 (page number designated by the Court). Because her "art work has been exploited, piroted [sic], and [she has] been made fun [of], and humiliated by this out raggouse [sic] act[.]" plaintiff is "asking to be confinsated [sic] with five billion dollars." *Id.*


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)(2)(B)(i). 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).

Mindful that a complaint filed by a *pro se* litigant is held to a less stringent standard than that applied to a formal pleading drafted by a lawyer, *see Haines v. Kerner*, 404 U.S. 519, 520 (1972), the Court concludes that the factual contentions of the plaintiff's complaint are irrational and wholly insufficient to state a cognizable civil claim. Accordingly, the Court will dismiss this action under 28 U.S.C. § 1915(a)(2)(B)(i) as frivolous.

An Order consistent with this Memorandum Opinion will be issued on this same date.

DATE: 8/2/11


United States District Judge