

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SURF MOORE,)
)
Plaintiff,)
)
v.) Civil Action No. 11 2234
)
JUSTICE DEPARTMENT, *et al.*,)
)
Defendants.)

MEMORANDUM OPINION

This matter comes before the Court on the plaintiff's application to proceed *in forma pauperis* and his *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)(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).

According to plaintiff, the United States Department of Justice and the C.F. Moore Construction Company are eavesdropping on plaintiff by intercepting his oral and electronic

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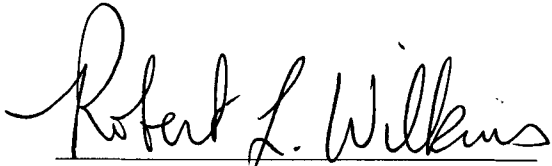
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communications, *see* Compl. at 3 (page numbers designated by the Court), just as “the serpent evasdrop-in [sic] on Adam & Eve, *id.* at 8. The Court has reviewed the complaint in its entirety, and finds its allegations incomprehensible and utterly lacking any plausible basis. 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:

12/8/2011


United States District Judge