

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
MAY 21 2013

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

Xavier Flores,)
)
Plaintiff,)
)
v.)
)
The U.S. Senate Members,)
)
Defendants.)
_____)

Civil Action No. 13-694

MEMORANDUM OPINION

This matter is before the Court on review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant plaintiff's application to proceed *in forma pauperis* and will dismiss this action for lack of subject matter jurisdiction. See Fed. R. Civ. P. 12(h)(3) (requiring the court to dismiss an action "at any time" it determines that subject matter jurisdiction is wanting).


Plaintiff, a homeless individual who submitted more than 30 cryptic complaints within the first two weeks of March alone, sues the United States Senate for its "failure to address the nation's solution to its problems." Compl. at 1. He demands an "evaluation of all the members of the U.S. Senate" and their "retraining." *Id.* at 2. The law is clear that "federal courts are without power to entertain claims otherwise within their jurisdiction if they are 'so attenuated and unsubstantial as to be absolutely devoid of merit.'" *Hagans v. Lavine*, 415 U.S. 528, 536-7 (1974) (quoting *Newburyport Water Co. v. Newburyport*, 193 U.S. 561, 579 (1904)); accord *Tooley v. Napolitano*, 586 F.3d 1006, 1009 (D.C. Cir. 2009) ("A complaint may be dismissed on jurisdictional grounds when it "is 'patently insubstantial,' presenting no federal question suitable

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for decision.”) (quoting *Best v. Kelly*, 39 F.3d 328, 330 (D.C. Cir. 1994). The instant complaint satisfies this standard and, therefore, will be dismissed. A separate order accompanies this Memorandum Opinion.

Date: May 21, 2013


United States District Judge