

FILED
JUN 11 2013
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WILLIAM OSCAR HARRIS,)
)
Plaintiff,)
)
v.)
)
THE UNITED STATES, *et al.*,)
)
Defendants.)

Civil Action No. 13 0879

MEMORANDUM OPINION

For purposes of this Memorandum Opinion, the court consolidates two complaints that the plaintiff submitted to the Clerk of Court on May 20, 2013. Upon review of the plaintiff's applications to proceed *in forma pauperis* and each *pro se* civil complaint, the court will grant the applications and dismiss the complaints.

The Court is mindful that complaints filed by *pro se* litigants are held to less stringent standards than those applied to formal pleadings drafted by lawyers. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972). The Court has "not only the authority to dismiss a claim based on an indisputably meritless legal theory, but also the unusual power to pierce the veil of the complaint's factual allegations and dismiss those claims whose factual contentions are clearly baseless." *Neitzke v. Williams*, 490 U.S. 319, 327 (1989).

"William Oscar Harris was convicted by a jury of one count of conspiracy to defraud the United States . . . and six counts of passing fraudulent money orders and aiding or abetting of such acts Harris was sentenced to a term of imprisonment of 188 months for his crimes."

Harris v. Levi, Nos. 08-1792 & 10-3493, 2011 WL 2037016, at *1 (D.N.J. May 24, 2011); *see United States v. Harris*, 271 F. App'x 188, 188 (3d Cir. 2008) (per curiam) (affirming judgments of sentence). According to the plaintiff, however, he has been “taken into custody . . . and removed from New Jersey jurisdiction to federal jurisdiction by the United States and the [Federal Bureau of Prisons] in violation of the statutory and constitutional protections accorded this Plaintiff.” Compl. at 3. The plaintiff has filed this civil action under the Federal Tort Claims Act (“FTCA”) and demands compensation of \$1,112,000.00, *Id.*, Ex. (Claim for Damage, Injury or Death dated July 28, 2012).

Absent any showing that the plaintiff has been wrongly convicted, a tort claim arising from his conviction and sentence is necessarily without merit. This complaint is frivolous and it must be dismissed. *See* 28 U.S.C. §§ 1915(e)(1)(B)(i), 1915A(b)(1).

An Order consistent with this Memorandum Opinion is issued separately.



United States District Judge

DATE: 6/5/2013