

FILED

APR - 6 2015

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

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

J. BISHOP,

Plaintiff,

v.

LEO BONNER,

Defendant.


)
)
)
)
) Case: 1:15-cv-00485
) Assigned To : Unassigned
) Assign. Date : 4/6/2015
) Description: Pro Se Gen. Civil (F Deck)
)
)

MEMORANDUM OPINION

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); *see Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (“[A] complaint, containing as it does both factual allegations and legal conclusions, is frivolous where it lacks an arguable basis either in law or in fact.”). The Court has reviewed the complaint, and although it is not entirely clear, the Court understands plaintiff to state a claim for assault by means of witchcraft. On this basis, the Court concludes that what factual contentions are identifiable are baseless and wholly incredible, and that the allegations of the complaint “constitute the sort of patently insubstantial claims” that deprive the Court of subject matter jurisdiction. *Tooley v. Napolitano*, 586 F.3d 1006, 1010 (D.C. Cir. 2009).

The Court will grant plaintiff’s application to proceed *in forma pauperis* and will dismiss the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). An Order consistent with this Memorandum Opinion is issued separately.

DATE: April 2, 2015


United States District Judge

(N)