

FILED**APR 20 2015**Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

GARY EMERSON WEST,

Plaintiff,

v.

BRICK TRIPP, WARDEN, RIVERS
CORRECTIONAL INSTITUTION, *et al.*,

Defendants.

Case: 1:15-cv-00588

Assigned To : Unassigned

Assign. Date : 4/20/2015

Description: Pro Se Gen. Civil (F Deck)

MEMORANDUM OPINION

This matter is before the Court on plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. 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.”). Having reviewed the plaintiff's complaint, the Court concludes that what factual contentions are identifiable are baseless and wholly incredible. Furthermore, 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 complaint therefore will be dismissed with prejudice.

An Order accompanies this Memorandum Opinion.

DATE:

4/11/15


United States District Judge

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4