FILED
APR 2 8 2015
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GARY EMERSON WEST,

Petitioner,

v.

JACOB J. LEW, *et al.*,

Respondents.

Case: 1:15-cv-00640
Assigned To : Unassigned
Assign. Date : 4/28/2015
Description: Pro Se Gen. Civil (F)

MEMORANDUM OPINION

This matter is before the Court on petitioner's application to proceed *in forma pauperis* and his *pro se* petition for a writ of mandamus. The trial court has the discretion to decide whether a pleading 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 petition, the Court concludes that what factual contentions are identifiable are baseless and wholly incredible. Furthermore, the allegations of the petition "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 petition therefore will be dismissed with prejudice.

An Order accompanies this Memorandum Opinion.

DATE: 4/26/15

United States District Judge