UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

DARLENE CORTEZ,)	
Plaintiff,)	Case: 1:15-cv-00863 Jury Demand Assigned To: Unassigned Assign. Date: 6/9/2015 Description: Pro Se Gen. Civil (F Deck)
V.)	
MARY PAT WRIGHT, et al.,)	
Defendants)	

MEMORANDUM OPINION

This matter is before the Court on the plaintiff's application to proceed *in forma pauperis* and her *pro se* complaint. For the reasons stated below, the Court will grant the application and dismiss the complaint.

The Court must dismiss a complaint if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. 28 U.S.C. § 1915(e)(1)(B). In *Neitzke v. Williams*, 490 U.S. 319 (1989), the Supreme Court states that the trial court has the authority to dismiss not only claims based on an indisputably meritless legal theory, but also claims whose factual contentions are clearly baseless. Claims describing fantastic or delusional scenarios fall into the category of cases whose factual contentions are clearly baseless. *Id.* at 328. 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).

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). Nevertheless, having reviewed the plaintiff's complaint, the Court concludes that what factual contentions are identifiable are baseless and wholly incredible. For this reason, the complaint is frivolous and must be dismissed. *See* 28 U.S.C. § 1915(e)(1)(B).

An Order consistent with this Memorandum Opinion is issued separately.

DATE: Game 5, 2015

United States District Judge