

FILED**FEB - 4 2016****UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA****Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia**

TOMMY LEE STEVENS,

Plaintiff,

v.

UNKNOWN NAME EMPLOYEE(S)
OF DEPARTMENT OF JUSTICE,

Defendants.

**Case: 1:16-cv-00184
Assigned To : Unassigned
Assign. Date : 2/4/2016
Description: Pro Se Gen. Civil****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.”). Among other things, the plaintiff alleges that the defendants are responsible for “delaying or destroying or tampering with [his] legal mail,” Compl. at 1, to the United States Court of Federal Claims, *see id.* at 3. The defendants allegedly are taking this action to hide “their involvement in illegal research being conducted by the Dep[artment] of Health and Human Services . . . by use of transceivers implanted in human subjects without consent.” *Id.* at 2. By denying the plaintiff access to the courts, “the defendant(s) are attempting to cover for their illegal activities and at this same time continue to terrorize plaintiff and other citizens whom they are using as supposed research subjects for not submitting to their will.” *Id.* at 3.

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

DATE:

Feb. 3, 2016


United States District Judge

J. R. ...