

FILED

MAR - 8 2016

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

**Clerk, U.S. District and
Bankruptcy Courts**

ROBERT HEARD,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE'S
ATTORNEY GENERAL,

Defendant.

Case: 1:16-cv-00457

Assigned To : Unassigned

Assign. Date : 3/8/2016

Description: Pro Se Gen. Civil (F Deck)

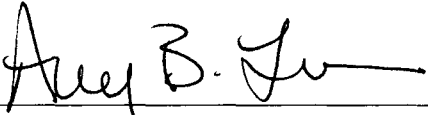
MEMORANDUM OPINION

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.”). Among other things, the plaintiff alleges that he has been the victim of assaults, attempted murder, and identity theft “on so many occasions that [he] can hardly tell of whom [he is].” Compl. at 1. He also alleges that “they tried to murder [him] on several previous occasions [sic] for filing suits” in the courts. *Id.* As compensation for, among other harms, “extreme inhumane treatment, such as being in the rain and cold for about a year [with] no bath,” *id.* at 2, the plaintiff demands damages of \$ 20 million, *id.*

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: 3/3/16


United States District Judge