

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ROBERT HEARD,

Plaintiff,

v.

U.S. ATTORNEY GENERAL, *et al.*,

Defendants.

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Case: 1:16-cv-00611 (F-Deck)
Assigned To : Unassigned
Assign. Date : 4/1/2016
Description: Pro Se Gen. Civil

MEMORANDUM OPINION

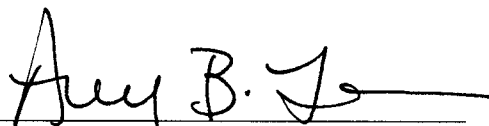
The trial court has the discretion to decide whether a complaint is frivolous, and such finding is appropriate when the facts alleged are irrational or wholly incredible. *Denton v. Hernandez*, 504 U.S. 25, 33 (1992); *see Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (“[A] complaint, containing as 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 have conspired to kill him, stolen his credit cards, taken control of his finances, and assaulted him. *See* Compl. at 1-2. He “wants the belongings that were stolen by these people,” noting that “they can pay in full now or they can pay after they get to jail[.]” *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:

3/30/16


United States District Judge