

FILED

JUN 28 2016

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

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

MARCELLES J. JOHNSON,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

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Case: 1:16-cv-01362

Assigned To : Unassigned

Assign. Date : 6/28/2016

Description: Pro Se Gen. Civil

MEMORANDUM OPINION

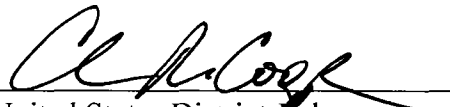
This matter comes before the court on review of plaintiff's application to proceed *in forma pauperis* and *pro se* civil complaint. The Court will grant the application, and dismiss the complaint.

Plaintiff purports to have entered into a contract with the defendant pursuant to which he was to be paid \$10 billion for real property described as "[t]he wireless Cellular Phone Industry." Compl. at 5. He has not been paid, *see id.* at 6, and among other relief, plaintiff demands \$1,000,000,000,000,000.00 to \$6,000,000,000,000,000.00, *id.* at 7.

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."). 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: 6/24/16


United States District Judge