

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUN - 5 2017

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

Davon Robinson-Bey,)
)
Plaintiff,)
)
v.)
)
United States of America,)
)
Defendant.)
_____)

Civil Action No. 16-cv-01874 (UNA)

MEMORANDUM OPINION

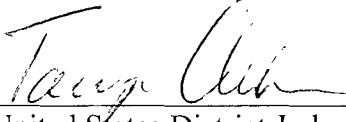
This matter is before the Court on its review of plaintiff’s *pro se* complaint and application for leave to proceed *in forma pauperis*. For the reasons explained below, the *in forma pauperis* application will be granted and this case will be dismissed pursuant to 28 U.S.C. § 1915A, which requires dismissal of a prisoner’s complaint upon a determination that it, among other grounds, is frivolous.

Plaintiff is a Maryland state prisoner incarcerated in Westover, Maryland. He initiated this action by filing a perplexing document captioned “Habeas Corpus Ad Subjiciendum Writ of Mandamus, Writ of Error, or in the Alternative Prohibition, Under 42 U.S.C.A[.] 1983 Nunc Pro Tunc.” Invoking the Constitution’s equal protection clause, plaintiff “petition[s] this Honorable Court to prove that Negro, Black, Colored, Afro-American, African-American, et al., is a lawful status according to Nationality of the human race[.]” Pet. at 1. Plaintiff, a “Moorish-American Moslem,” claims that he “can now legally prove that ‘Denationalization’ is being practiced on [him] with a bogus certified copy of ‘Certificate of Live Birth’ under the Race as Negro, further classifying me as Black and African American, by the governments of the United States, the City

of Baltimore, through its Police Departments and its Courts, and the State of Maryland[.]” *Id.* at 2-3. Plaintiff contends that he is being “held captive and unlawfully detained” under a “bogus” identity because, as a Moorish-American Moslem, he is a member of a “Sovereign” that is “directly affected by International Law, Civil Law, Human Rights, and Civil Rights, . . . with its own Customary Laws, and Language with its Power and Authority deriving from The Great Koran of Mohammed, Droit.” *Id.* at 6. Consequently, plaintiff seeks “to be discharged [immediately] from unlawful confinement and restraint,” *id.*, and reparations in the form of “[p]ayment at 10 million Gold and Silver Coin for injury or damages in today’s currency; redress for a wrong done.” *Id.* at 6.

Complaints premised on fantastic or delusional scenarios or supported wholly by allegations lacking “an arguable basis either in law or in fact” are subject to dismissal as frivolous. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see Denton v. Hernandez*, 504 U.S. 25, 33 (1992) (“[A] finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible[.]”); *Crisafi v. Holland*, 655 F.2d 1305, 1307-08 (D.C. Cir. 1981) (“A court may dismiss as frivolous complaints . . . postulating events and circumstances of a wholly fanciful kind.”). The instant complaint satisfies this standard; therefore, this case will be dismissed with prejudice. A separate Order accompanies this Memorandum Opinion.

Date: May 30, 2017


United States District Judge