

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RUTH PATRÍCIA ROSADOS,

Plaintiff,

v.

EX-PRESIDENT BARACK OBAMA,

Defendant.

Case: 1:17-cv-00778 (F-Deck)
Assigned To : Unassigned
Assign. Date : 4/27/2017
Description: Pro Se Gen. Civil

MEMORANDUM OPINION

This matter is before the Court on review of the plaintiff's application to proceed *in forma pauperis* and her *pro se* civil complaint. For the reasons stated below, the Court will dismiss the complaint without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) as frivolous.

Among other things, the plaintiff alleges that her "spouse put a CHIP in a tooth." Compl. at 2 (emphasis in original). Further, she states, a gynecologist inserted a chip into her body without her knowledge and consent, sending "electrical waves that activate[] the sympathetic NERVOUS system, which triggers the release of hormones, adrenaline, norepinephrine and cortisol." *Id.* at 3 (emphasis in original). The plaintiff explains that she "was unable to CONTROL [her] life" because of the "several CHiPS [in her] body." *Id.*

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).

An Order consistent with this Memorandum Opinion is issued separately.

DATE:

4-24-17


United States District Judge

J. Bowring