

FILED

OCT 06 2017

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

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

WILLIE LEE DAVIS,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

Civil Action No. 17-1808 (UNA)

MEMORANDUM OPINION

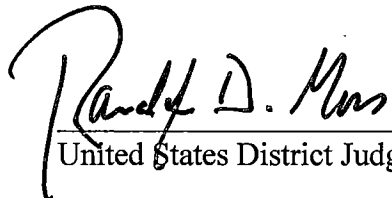
Petitioner alleges that the United States “has knowingly and willingly used the color of law, in acts of extraJudicial Killing, by torture of the [petitioner], causing the Sovereign, Willie Lee Davis, to be bound by a political, spiritual, and economical question within the democratic form of government, doing so by trickery, lies, deception, threats, malice, duress, and coercion as purported to United States citizen status . . . under the 14th amendment.” Pet. at 8 & Attach. Further, petitioner appears to confer upon himself the authority vested in the United States Congress to enact legislation, *see* Pet., Ex. A, “govern[ing] the sovereign Willie Lee Davis,” *id.* at 9.

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. *See Denton v. Hernandez*, 504 U.S. 25, 33 (1992). And “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.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see Brandon v. District of Columbia Bd. of Parole*, 734 F.2d 56, 59 (D.C. Cir. 1984); *cf. Anders v. California*, 386 U.S. 738 (1967) (defining frivolous appeal as one without “arguable” merit). Having reviewed the petitioner’s petition for

a writ of habeas corpus carefully, the Court concludes that it lacks an arguable basis in law or fact, and therefore is frivolous.

The Court will grant plaintiff's application to proceed *in forma pauperis* and will dismiss the complaint pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i); 1915A(b)(1). An Order consistent with this Memorandum Opinion is issued separately.

DATE: Oct. 2, 2017


United States District Judge