

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

NOV 20 2017

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


Guadalupe Garza,)
)
Plaintiff,)
)
v.) Civil Action No. 17-2065 (UNA)
)
Treasurer of the United States,)
)
Defendant.)

MEMORANDUM OPINION

This matter is before the Court on its initial review of plaintiff's *pro se* Complaint and application for leave to proceed *in forma pauperis*. The application will be granted, and the complaint 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 prisoner incarcerated at the United States Penitentiary in Terre Haute, Indiana. He "has made application to the President [under] 50 U.S.C. § 4309(a)," Compl. ¶ 1, claiming "an interest, right, and/or title in any money or other property which may have been conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian" in his name or in connection with his criminal case or Social Security Number, *id.* ¶ 4. The statute on which plaintiff relies, the Trading with the Enemy Act, *see* 50 U.S.C. § 4309(a) (formerly 50 App. U.S.C. § 9(a)), pertains to money or property seized from a foreign enemy or ally of a foreign enemy. Nothing in the complaint suggests that this prisoner plaintiff raises a claim with "an arguable basis in law and fact." *Brandon v. District of Columbia Bd. of Parole*, 734 F.2d 56, 59 (D.C. Cir. 1984). Rather, because the complaint appears to be based on "fanciful factual allegations[.]" it is subject to dismissal as frivolous. *Neitzke v. Williams*, 490 U.S. 319, 328 (1989); *see Johnson v. United*

States, No. 09-0101, 2009 WL 113768 (D.D.C. Jan. 19, 2009) (dismissing as frivolous prisoner's claim under Trading with the Enemy Act). A separate order accompanies this Memorandum Opinion.



United States District Judge

Date: November 8, 2017