

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

NOV 20 2017

JOSHUA P.H. HOLT, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

NOV 20 2017  
Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

Civil Action No. 17-2165 (UNA)

**MEMORANDUM OPINION**

This matter is before the Court on the plaintiff's application to proceed *in forma pauperis* and his *pro se* civil complaint. The application will be granted, and the complaint will be dismissed.

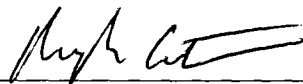
Plaintiff alleges that he has contacted the United States Department of Defense to share "proof of espionage and torture" by means of a device implanted in his ear. *See* Compl. at 1. For example, he reports that he left a message for the Army Inspector General regarding "plausible bomb threats against the President," *id.* at 2, and that he has sent information to the United States Attorney General, the Central Intelligence Agency and the National Security Agency, *id.* In this action, plaintiff demands protection for his intellectual property, removal of the device from his ear, and an award of \$100,000,000.00 in damages. *Id.* at 3.

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); *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 plaintiff’s complaint carefully, the Court concludes that what factual contentions are identifiable are baseless and wholly incredible.

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: 11/20/2017

  
\_\_\_\_\_  
United States District Judge