

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JAN - 4 2018

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

MATTHEW IRVIN,

Plaintiff,

v.

HENDERSON BEHAVIORAL HEALTH,

Defendant.

Civil Action No. 17-2405 (UNA)

MEMORANDUM OPINION

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). An Order consistent with this Memorandum Opinion is issued separately.

DATE: 12-21-17


United States District Judge