

FILED

NOV 19 2018

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

Clerk, U.S. District and
Bankruptcy Courts

MARCUS NAGEL, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

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Civil Action No. 18-2326 (UNA)

MEMORANDUM OPINION

“[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). A complaint lacks an arguable basis in fact when “the facts alleged are clearly baseless, a category encompassing allegations that are fanciful, fantastic, and delusional.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). Based on its review of the instant complaint, and its allegations plaintiff Marcus Nagel’s imminent assassination “by Russian organized crime/Cuban organized crime,” Compl. at 1, and “direct to brain communication,” *id.* at 2, the Court deems the instant complaint subject to dismissal, *see Crisafi v. Holland*, 655 F.2d 1305, 1307-08 (D.C. Cir. 1981).

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

DATE: November 16, 2018


United States District Judge