

**FILED****APR 17 2019****UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

ANTOINE MARTWAIN HILL-EL,

Plaintiff,

v.

GERALD FISHER, *et al.*,

Defendants.

Civil Action No. 18-3051 (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 – including the plaintiff’s assertions of entitlement to relief because he is a Moorish-American national – are baseless and wholly incredible.

The Court will grant plaintiff’s application to proceed *in forma pauperis* and will dismiss the complaint as frivolous. *See* 28 U.S.C. §§ 1915(e)(2)(B)(i), 1915A(b)(2). Further, the Court notes that dismissal of this civil action qualifies as a third “strike” for purposes of the Prison Litigation Reform Act, *see* 28 U.S.C. § 1915(g).<sup>1</sup> Unless plaintiff demonstrates that he is under

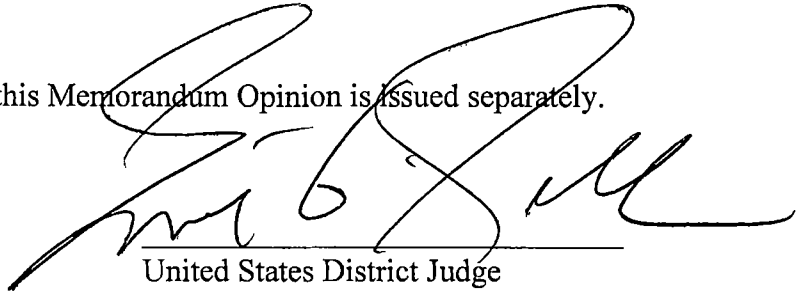
---

<sup>1</sup> *See Hill-El v. Johnson*, No. 18-CV-1411, 2019 WL 613931, at \*1 (W.D. La. Feb. 13, 2019) (dismissing complaint with prejudice under 28 U.S.C. §§ 1915(e)(2)(b) and 1915A); *Hill-El v. Scrivener*, No. 8:18-CV-3643 (D. Md. Dec. 10, 2018) (dismissing complaint *sua sponte* under 28 U.S.C. §§ 1915(e)(2)(B), 1915A(b)).

imminent threat of serious physical injury, he may not proceed *in forma pauperis* in a future civil action.

An Order consistent with this Memorandum Opinion is issued separately.

DATE: April 16, 2019



United States District Judge