

7/6/2020

Clerk, U.S. District & Bankruptcy
Court for the District of ColumbiaUNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PAGE DAVID PENK,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 20-1474 (UNA)
)	
WAL-MART, INC.)	
)	
Defendant.)	

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 proposal for cooling the Earth’s temperature, *see* Compl. at 2, 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). An Order consistent with this Memorandum Opinion is issued separately.

DATE: July 6, 2020

/s/
JAMES E. BOASBERG
United States District Judge