

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

PAGE DAVID PENK,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 20-2307 (UNA)
)	
THE LAST SHERIFF OF LAS ANIMAS)	
COUNTY, CO,)	
)	
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 taking the Oath of Office on Inauguration Day 2021, *see* Compl. at 5, and for defendant Sheriff Goodwin to become “the first lawman in space,” *id.* at 6, are baseless and wholly incredible.

The Court will grant the plaintiff’s application to proceed *in forma pauperis* and will dismiss the complaint without prejudice as frivolous. *See* 28 U.S.C. § 1915(e)(2)(B)(i). An Order consistent with this Memorandum Opinion is issued separately.

DATE: November 16, 2021

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge