

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

FRANKLIN C. SMITH,)	
)	
Plaintiff,)	
)	Civil Action No. 1:22-cv-00056 (UNA)
v.)	
)	
MERRICK GARLAND, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION

This matter is before the court on its initial review of plaintiff’s *pro se* complaint (“Compl.”), ECF No. 1, and application for leave to proceed *in forma pauperis*, ECF No. 2. The court will grant the *in forma pauperis* application and dismiss the case pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), by which the court is required to dismiss a case “at any time” if it determines that the action is frivolous.

“A complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A complaint that lacks “an arguable basis either in law or in fact” is frivolous, *Neitzke v. Williams*, 490 U.S. 319, 325 (1989), and a “complaint plainly abusive of the judicial process is properly typed malicious,” *Crisafi v. Holland*, 655 F.2d 1305, 1309 (D.C. Cir. 1981).

Plaintiff, a resident of Florida, sues the United States Attorney General, the United States Assistant Attorney General, and two judges in this District. The complaint is incomprehensible. The rambling ruminations range in topics, including, but not limited to: former United States National Security Advisor Michael Flynn’s criminal charges, the January 6’ 2021 attack of the United States Capitol, the First Amendment, Macgyver, various murders, “collusion with Russia,”

World War II, CNN and MSNBC, and the “Battle of Athens.” Plaintiff alleges a wide-ranging conspiracy among the FBI, the Department of Justice, the U.S. Attorney General, federal prosecutors, various members of Congress, federal judges, and many others, created in their roles as “agent provocateurs” to carry out “inherently destructive blood gang informant system,” used to create civil war and to carry out myriad criminal acts “in every community in the United States.” Plaintiff contends that, due to “inactions to dismantle the blood gang informant system” he has suffered “psychological & physical pain and suffering causing him all these serious injuries.” He alleges that defendants and others, by and through the “blood gang,” have attempted to frame him for lewd acts and he seeks an injunction barring the FBI from continuing the “dangerous and illegal” behavior conducted by its “under cover agents.”

The court cannot exercise subject matter jurisdiction over a frivolous complaint. *Hagans v. Lavine*, 415 U.S. 528, 536-37 (1974) (“Over the years, this Court has repeatedly held that the federal courts are without power to entertain claims otherwise within their jurisdiction if they are ‘so attenuated and unsubstantial as to be absolutely devoid of merit.’ ”) (quoting *Newburyport Water Co. v. Newburyport*, 193 U.S. 561, 579 (1904)); *Tooley v. Napolitano*, 586 F.3d 1006, 1010 (D.C. Cir. 2009) (examining cases dismissed “for patent insubstantiality,” including where the plaintiff allegedly “was subjected to a campaign of surveillance and harassment deriving from uncertain origins.”). A court may dismiss a complaint as frivolous “when the facts alleged rise to the level of the irrational or the wholly incredible,” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992), or “postulat[e] events and circumstances of a wholly fanciful kind,” *Crisafi*, 655 F.2d at 1307-08.

The instant complaint satisfies this standard. In addition to failing to state a claim for relief, the complaint is deemed frivolous on its face. Consequently, the complaint and this case will be dismissed. A separate order accompanies this memorandum opinion.

Date: January 25, 2022

Tanya S. Chutkan
TANYA S. CHUTKAN
United States District Judge