

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

MICHAEL L. WAGNER,

Plaintiff,

v.

UNITED STATES SOLICITOR

GENERAL,

Defendant.

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Civil Action No. 22-3774 (UNA)

MEMORANDUM OPINION

Plaintiff, appearing *pro se*, has filed a Complaint for Conspiracy to Interfere with Civil Rights, ECF No. 1, and an application to proceed *in forma pauperis*, ECF No. 2. The Court will grant the application and dismiss this action pursuant to 28 U.S.C. § 1915(e)(2)(B) (requiring immediate dismissal of a case upon a determination that the complaint is frivolous).

Plaintiff, a resident of Redwood City, California, invokes 42 U.S.C. § 1985, which creates a private cause of action for damages where “two or more persons” conspire to interfere with a person’s civil rights through statutorily proscribed conduct. But his one-page complaint names the U.S. Solicitor General, who cannot conspire alone, and seeks an order to “allow Doctors to prescribe Magic Mushrooms and MDMA, and Pharmacies to dispense such,” which is not a protected right. *See Great Am. Fed. Sav. & Loan Ass'n v. Novotny*, 442 U.S. 366, 372 (1979) (“Section 1985(3) provides no substantive rights itself; it merely provides a remedy for violation of the rights it designates.”). Furthermore, complaints premised on fantastic or delusional scenarios or supported wholly by allegations lacking “an arguable basis either in law or in fact”

may be dismissed as frivolous. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). The instant complaint satisfies this standard and therefore will be dismissed by separate order.

Date: January 26, 2023

/s/
CHRISTOPHER R. COOPER
United States District Judge