

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

DANNY AMEN VALENTINE SHABAZZ,)

Plaintiff,)

v.)

BRIAN MOYNIHAN, *et al.*,)

Defendants.)

Civil Action No. 1:23-cv-01610 (UNA)

MEMORANDUM OPINION

This matter is before the Court on its initial review of plaintiff’s *pro se* complaint, 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)(ii), 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 Georgia, sues the Central Intelligence Agency (“CIA”) and rapper “Gary Grice, also known as GZA.” Although having filed a civil case, plaintiff has submitted a complaint for “criminal copyright infringement.” The complaint is comprised of unintelligible *non-sequiturs* and fails to identify any basis for this court’s subject matter jurisdiction. No discernable facts, context, or legal authority are provided. Plaintiff jumps from topic to topic, and

the allegations are impossible to follow, but they seem rooted in his belief that Bank of America and its CEO have allegedly executed a widespread conspiracy to launder money and cause myriad harms to plaintiff, his family, and “the city of Chester,” also resulting in “over 20” deaths.

This 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.”). Consequently, a court is obligated to 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 falls squarely into this category. In addition to failing to state a claim for relief or establish this Court’s jurisdiction, the complaint is frivolous on its face.

Consequently, this case will be dismissed without prejudice. A separate order accompanies this memorandum opinion.



TREVOR N. McFADDEN
United States District Judge

Date: July 12, 2023