NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with Fed. R. App. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted July 16, 2021*
Decided July 19, 2021

Before

FRANK H. EASTERBROOK, *Circuit Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 21-1831

REBEKAH A. ATKINS, *Plaintiff-Appellant*,	Appeal from the United States District Court for the Southern District of Indiana, Indianapolis Division.
v.	No. 1:21-cv-00898-SEB-MJD
ROGER A. G. SHARPE, *et al*., *Defendants-Appellees*.	Sarah Evans Barker, *Judge*.

O R D E R

Rebekah Atkins appeals the dismissal of her suit alleging that a federal clerk of court and former and current employees of multiple clerk's offices conspired to prevent her from accessing case information electronically. The district court reasonably ruled that Atkins's suit was factually frivolous and dismissed it at screening; we thus affirm.

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* The appellees were not served with process in the district court and are not participating in this appeal. After examining the appellant's brief and the record, we have concluded that this case is appropriate for summary disposition. FED. R. APP. P. 34(a)(2)(C).

Atkins asserts that she is a victim of identity "thieves," "pirates," and "gangsters" who conspired to add her to lawsuits without her knowledge. Members of several clerk's offices, she continues, joined this conspiracy by designing the Public Access to Electronic Records ("PACER") system to prevent her from accessing court records. An assistant clerk gave her a list of seven cases from the Southern District of Indiana in which she was named as a plaintiff or petitioner, but according to Atkins, that list was incomplete. Furthermore, the defendants have hidden case records from her by redirecting her PACER inquiries into a fake, offline system.

The suit did not last long. After filing her complaint, Atkins moved to recuse the assigned judge under 28 U.S.C. § 144 because the judge had dismissed several suits that Atkins had previously filed and because, according to Atkins, only the Chief Judge could hear suits against the court's clerk. The district judge denied the motion, granted Atkins's request to proceed in forma pauperis, and then after screening the suit under 28 U.S.C. § 1915(e)(2) dismissed it without prejudice. The judge explained that the theory of bias advanced by Atkins—adverse rulings—is insufficient for recusal. *See Liteky v. United States*, 510 U.S. 540, 555–56 (1994); *Hoffman v. Caterpillar, Inc.*, 368 F.3d 709, 718 (7th Cir. 2004). And the Chief Judge, the judge continued, has managerial but not exclusive legal control over the clerk. Next, the judge found it "wholly implausible" that clerk's office employees were "secretly 'gangsters' and 'pirates' engaged in a nefarious scheme designed to steal Plaintiff's identity, tamper with court records, and manipulate PACER as to cover up their conspiracy." The judge added that Atkins's prolix complaint also violated Rule 8(a)(2) of the Federal Rules of Civil Procedure.

Before turning to Atkins's arguments, we note our jurisdiction under 28 U.S.C. § 1291. Although the judge dismissed the suit without prejudice, that ruling was nonetheless appealable because the judge contemplated no further action, such as through curative amendments. *See Bovee v. Broom*, 732 F.3d 743, 743–44 (7th Cir. 2013).

Atkins first argues that, because she is not a prisoner, the judge procedurally erred by screening her complaint and by dismissing it before it was served on the defendants. It is true that Atkins is not subject to screening under the Prison Litigation Reform Act, 28 U.S.C. § 1915A. But under 28 U.S.C. § 1915(e)(2) district courts have the power to screen *any* complaint, like hers, accompanied by a request for leave to proceed in forma pauperis. *See Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir. 1999). The judge thus properly screened Atkins's complaint before service on the defendants, *id.*, and had to dismiss it if it was "frivolous or malicious." § 1915(e)(2)(B)(i).

Atkins next challenges the ruling that her complaint was frivolous. She contends that the judge had to construe her allegations liberally and accept them as true. Because district courts are better positioned than appellate courts at discerning factually frivolous allegations, we review dismissals based on such determinations for abuse of discretion. *See Gladney v. Pendleton Corr. Facility*, 302 F.3d 773, 774–75 (7th Cir. 2002).

The district judge did not abuse her discretion in dismissing Atkins's case as factually frivolous. Irrational, fanciful, fantastic, delusional, or incredible allegations are factually frivolous. *Felton v. City of Chicago*, 827 F.3d 632, 635 (7th Cir. 2016). Courts need not accept as true allegations that fall in these categories. *See Neitzke v. Williams*, 490 U.S. 319, 327–28, 330 (1989). Atkins's allegations easily satisfy those descriptions. She believes that civil servants employed by federal clerks' offices throughout the country have colluded to create a secret, "fake" offline PACER system to hide cases from her. Such a vast conspiracy, requiring an impossible degree of secrecy and resources, is fanciful. The district judge reasonably dismissed these allegations as factually frivolous.

We have considered Atkins's other arguments; they do not require discussion except to note that they are either also frivolous or not based on evidence in the record.

Last, we order Atkins to show cause within 21 days why this court should not sanction her with loss of the privilege of filing in forma pauperis under 28 U.S.C. § 1915(a) for having filed this frivolous appeal.

AFFIRMED