

FILED

FEB 12 2009

**NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT**

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

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|------------------------------|---|
| CHARLES CASTON, |) |
| aka ELIJAH MUHAMMAD, JR., |) |
| |) |
| Plaintiff, |) |
| |) |
| v. |) |
| |) |
| SWITZERLAND, <i>et al.</i> , |) |
| |) |
| Defendants. |) |

Civil Action No. **09 0281**

MEMORANDUM OPINION

This matter comes before the court on review of plaintiff's application to proceed *in forma pauperis* and *pro se* civil complaint. The court will grant the application, and dismiss the complaint.

The court must dismiss a complaint if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. 28 U.S.C. § 1915(E)(1)(B). In *Neitzke v. Williams*, 490 U.S. 319 (1989), the Supreme Court states that the trial court has the authority to dismiss not only claims based on an indisputably meritless legal theory, but also claims whose factual contentions are clearly baseless. Claims describing fantastic or delusional scenarios fall into the category of cases whose factual contentions are clearly baseless. *Id.* at 328. 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. *Denton v. Hernandez*, 504 U.S. 25, 33 (1992).

Plaintiff alleges that defendants, among which are a foreign nation and professional sports teams, have violated unspecified rights protected by the Fourth, Fifth, Sixth and Eighth

(AC)

Amendments to the United States Constitution. He further alleges that defendants have stolen oil paintings and photographs from him and have deprived him of sleep. Plaintiff demands the replacement of all court judges and all police officers, as well as the return of property seized by Switzerland.

The court is mindful that complaints filed by *pro se* litigants are held to less stringent standards than those applied to formal pleadings drafted by lawyers. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972). Having reviewed plaintiff's complaint, it appears that its factual contentions are baseless and wholly incredible. For this reason, the complaint is frivolous and must be dismissed.

An Order consistent with this Memorandum Opinion is issued separately.


United States District Judge

Date: Jan. 22, 2009