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SEP - 9 2011
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Bayne Alexis,)
)
Plaintiff,)
)
v.)
)
Hon. Janet Napolitano *et al.*)
)
Defendants.)

Civil Action No. **11 1626**

MEMORANDUM OPINION

This matter is before the Court on review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted and the complaint will be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) (requiring dismissal of a complaint upon a determination that the complaint, among other grounds, is frivolous).

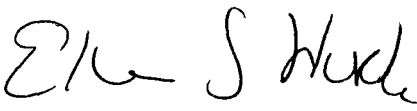
Plaintiff is a resident of Trinidad and Tobago suing under 28 U.S.C. § 1350, commonly referred to as the Alien Tort Claims Act ("ATCA") or the Alien Tort Statute ("ATS"). The complaint barely satisfies the minimal pleading requirements of Rule 8(a) of the Federal Rules of Civil Procedure, but the court documents attached to the complaint show that plaintiff, a native of Trinidad and Tobago, was deported as a result of his conviction of an aggravated felony. Plaintiff appears to allege that the denial of social security benefits based on his removal amounts to torture. *See* Compl. at 2. The ATS defines torture as, *inter alia*, causing "severe [mental or physical] pain or suffering," and it explicitly excludes "pain or suffering arising only from or inherent in, or incidental to, lawful sanctions." 28 U.S.C. § 1350 note, § 3(b).

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Complaints that lack “an arguable basis in law and fact” are subject to dismissal as frivolous. *Brandon v. District of Columbia Bd. of Parole*, 734 F.2d 56, 59 (D.C. Cir. 1984); *see Crisafi v. Holland*, 655 F.2d 1305, 1307-08 (D.C. Cir. 1981) (“A court may dismiss as frivolous complaints reciting bare legal conclusions with no suggestion of supporting facts . . .”). The instant complaint satisfies the foregoing standard and, thus, will be dismissed as frivolous. A separate Order accompanies this Memorandum Opinion.

Date: September 8, 2011



United States District Judge