

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

FEB - 9 2012

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

JOAN FRANCES M. MALONE,)
)
 Plaintiff,)
)
 v.)
)
 COUNCILMAN MARION S. BARRY, JR., *et al.*,)
)
 Defendants.)

Civil Action No. **12 0215**

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).

Among other allegations, plaintiff states that “God sent [her] to clean out the Reflection [sic] Pool in front of the U.S. Capitol of Roots,” and that Marion Barry “has been using roots

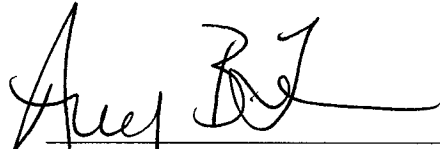
N

3

witchcraft to control people so much that he has become a disciple [sic] of Satan." Compl.

The complaint so poorly organized that the Court cannot determine the proper order of the five pages plaintiff has submitted. 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, the Court concludes that what factual contentions are identifiable are baseless and wholly incredible. For this reason, the complaint is frivolous and must be dismissed. See 28 U.S.C. § 1915(e)(2)(B)(i).

An Order consistent with this Memorandum Opinion is issued separately.


United States District Judge

DATE: 2/7/12