

FILED

JUN - 7 2012

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

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

MICHAEL ANTHONY WEBB,)
)
 Plaintiff,)
)
 v.)
)
 CENTRAL INTELLIGENCE)
 AGENCY,)
)
 Defendant.)

Civil Action No. **12 0923**

MEMORANDUM OPINION

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

Plaintiff allegedly has been "subjected to Conspiratorial [sic] Racial Hatred Activity," Compl. at 1, at the hands of Central Intelligence Agency and Sony Pictures Entertainment personnel, *see id.* at 2. Among other actions, unidentified individuals have tried "to kill him . . . by injecting him with deadly viruses;" they have "suffocate[ed] him to install mini bugs inside him;" and they have used "satellites to laser him, and to shock him, and also to static charge him." *Id.* For these and other injuries, plaintiff "urgently demand[s] Emergency Relief by any means necessary, to prevent him from being subjected to the above described conspiratorial racial hatred activity." *Id.* at 4.

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), 1915A(b)(1). In *Neitzke v.*

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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).

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 the 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)(1)(B).

An Order consistent with this Memorandum Opinion is issued separately.

DATE: 5/31/12



United States District Judge