

(that never have bushes dumped in them).”

The Eighth Circuit has instructed that the decision of whether a complaint is frivolous or malicious precedes the decision of whether to grant *in forma pauperis* status and whether to order service of process. *See Carney v. Houston* 33 F.3d 893, 895 (8th Cir. 1994)(quoting *Gentile v. Missouri Dept. Of Corrections*, 986 F.2d 214 (8th Cir. 1993)). “If the complaint is frivolous or malicious, the district court should dismiss it out of hand.” *Id.* A complaint is frivolous where it lacks an arguable basis either in law or fact. *See Neitzke v. Williams*, 490 U.S. 319, 325-27 (1989).

The complaint in this case lacks any basis in law or fact, and the Court finds it to be frivolous. IT IS THEREFORE ORDERED that the complaint is dismissed as frivolous, and Plaintiff’s motion to proceed *in forma pauperis* (docket entry #1) is denied as moot. Pursuant to the judgment entered together with this order, this action is dismissed with prejudice.

IT IS SO ORDERED THIS 18TH DAY OF JULY, 2007.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE