

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**ANTHONY BRODZKI**

**PLAINTIFF**

v.

**4:11CV00248-BRW**

**UNITED STATES OF AMERICA,  
*Et Al.***

**DEFENDANT**

**ORDER**

Pending is Plaintiff's *pro se* Motion to Proceed *In Forma Pauperis* (Doc. No. 1). Because Plaintiff's complaint is frivolous, the motion is DENIED as moot, and the case is dismissed in its entirety.<sup>1</sup>

Plaintiff is no stranger to federal courts.<sup>2</sup> Since August 2009 he has filed at least 41 cases in numerous district courts. In July 2010, the Executive Committee of the Northern District of Illinois barred Plaintiff from filing *pro se* without leave of the court.<sup>3</sup> Including this case, Plaintiff has filed four suits in the Eastern District of Arkansas.<sup>4</sup>

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<sup>1</sup>*Carney v. Houston*, 33 F.3d 893, 895 (8th Cir. 1994) (stating that, for proceedings *in forma pauperis* under 28 U.S.C. § 1915, determining whether a complaint is frivolous precedes the decision whether to grant *in forma pauperis* status and whether to order issuance and service of process).

<sup>2</sup>See Justia Dockets & Filings (March 17, 2011, 3:45 p.m.), <http://dockets.justia.com/search?q=Anthony+J+Brodzki>.

<sup>3</sup>Executive Committee Order, *In re Anthony J. Brodzki*, Case No. 10C4591 (N.D. Ill. July 23, 2011).

<sup>4</sup>*Brodzki v. USA et al.*, Case No. 4:11-CV-00184-DPM (filed February 25, 2011), *Brodzki v. Department of Justice et al.*, Case No. 4:10-CV-01523-DPM (filed October 18, 2010, closed March 17, 2011), *Brodzki v. USA et al.*, Case No. 4:11-CV-00127-SWW.(filed February 11, 2011, closed February 16, 2011).

Under the statute on proceedings *in forma pauperis*, a court should dismiss a case at any time if it determines that the action is frivolous or malicious.<sup>5</sup> An action is frivolous if “it lacks an arguable basis either in law or in fact.”<sup>6</sup> “Pro se complaints must be liberally construed and can be dismissed only if the face of the complaint shows an insuperable bar to relief.”<sup>7</sup>

Even viewed in the light most favorable to Plaintiff, the complaint is frivolous. Plaintiff alleges that five secret service agents committed torts including defamation and intentional infliction of emotion distress.<sup>8</sup> He accuses them of throwing him out of Las Vegas, Nevada, and of covering up or hindering an investigation into his alleged rape as a child. He even claims that former President George Bush (he does not say which one) signed an executive order against him. The complaint asks for \$5,000,000 in damages and an injunction to stop “electrical harassment, [and to provide] privacy of mind.” As the District of Montana noted in a recent case involving the same Plaintiff, “[the] allegations are fantastic, delusional, irrational, and frivolous.”<sup>9</sup>

This case should also be dismissed because venue is not proper in the Eastern District of Arkansas. The law provides that a civil action must be brought in a judicial district in which the defendant resides, or a district in which a substantial part of the events giving rise to the claim occurred,<sup>10</sup> or where plaintiff resides if no real property is involved in the action.<sup>11</sup> Defendants

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<sup>5</sup>28 U.S.C. § 1915(e)(2)(B).

<sup>6</sup>*Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

<sup>7</sup>*Holt v. Caspari*, 961 F.2d 1370, 1372 (8th Cir.1992).

<sup>8</sup>Doc. No. 2.

<sup>9</sup>*Brodzki v. U.S.*, 2011 WL 693348 (D. Mont. February 18, 2011).

<sup>10</sup>28 U.S.C. § 1391(a) and (b).

<sup>11</sup>28 U.S.C. § 1391(e).

are residents of Nevada and Texas. The allegations giving rise to his complaint occurred in Las Vegas, Nevada, and Chicago, Illinois. Plaintiff is a resident of North Richland Hills, Texas. Thus it is clear that this district is not the proper venue.

Because Plaintiff's complaint is frivolous and based on his history of frivolous cases this matter should not be transferred pursuant to 28 U.S.C. § 1406(a).

For the reasons set out above, Plaintiff's Complaint is DISMISSED in its entirety. The Motion to Proceed *In Forma Pauperis* (Doc. No. 1) is DENIED AS MOOT.

The Clerk of the Court is directed to no longer accept *pro se* filings by Plaintiff in this case.

IT IS SO ORDERED this 22<sup>nd</sup> day of March, 2011.

/s/Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE