

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

**DENNELL T. ABERNATHY
aka Booming Black G
aka Darnell Seattle Washington
aka Denelyaih T. Abernathy**

PLAINTIFF

V.

4:11CV00329JMM

UNITED STATES OF AMERICA

DEFENDANT

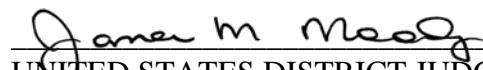
ORDER

Pending before this Court is the Plaintiff's Motion to Proceed *In Forma Pauperis* and Complaint. 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).

In this case, Plaintiff names the United States as the Defendant. Plaintiff alleges that the United States violated his constitutional rights under Article V of the Constitution "which states no person shall be deprived of life, liberty, or property." Plaintiff goes on to discuss the Wall Street Reform Bill and the purpose and duties of the Federal Reserve Bank. However, Plaintiff fails to provide facts which state a claim for violation of his constitutional rights or a prayer for relief. Therefore, the Court will dismiss Plaintiff's Complaint unless he amends his Complaint

to specify the facts upon which his claims are based. Plaintiff must file an amended complaint within fourteen (14) days of the date of this Order. Failure to do so will result in dismissal of the Complaint.

IT SO ORDERED this 5th day of May, 2011.



UNITED STATES DISTRICT JUDGE