

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

TORIANO-JAMES HERVEY HOPES AKWESI:OBASHANGO-EL

v .

4:12-CV-00042-BRW

USA, a De Facto Corporation

**ARKANSAS, STATE OF,
a De Facto Corporation**

ORDER

Pending is *pro se* Plaintiff's Motion to Proceed *In Forma Pauperis* (Doc. No. 1).

Because Plaintiff's economic situation qualifies him for *in forma pauperis* status, Plaintiff's Motion to Proceed *In Forma Pauperis* (Doc. No. 1) is GRANTED.

However, under 28 U.S.C. § 1915(e)(2)(B), a court must dismiss a complaint filed *in forma pauperis* at any time if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief.¹ A claim is frivolous if it "describ[es] fantastic or delusional scenarios," the factual contentions are "clearly baseless," or there is no rational basis in law.² A complaint may be dismissed before service of process and without leave to amend.³ Although *pro se* complaints are to be liberally construed, "they still must allege sufficient facts to support the claims advanced."⁴

¹See *Martin-Trigona v. Stewart*, 691 F.2d 856 (8th Cir. 1982).

²*Neitzke v. Williams*, 490 U.S. 319, 327-29 (1989).

³*Christiansen v. Clarke*, 147 F.3d 655, 658 (8th Cir. 1998).

⁴*Stone v. Harry*, 364 F.3d 912, 914 (8th Cir. 2004).

Plaintiff cites as defendants the United States of America as a de facto Corporation and the State of Arkansas as a De Facto Corporation. Furthermore, Plaintiff asserts that he is entitled to \$23,341,920,00.00 from the State of Arkansas and another \$150,000,000.00 in “30% Troy Ounces of Gold bullion and in 70% Troy Ounces Silver bullion.”⁵

Plaintiff’s Complaint (Doc. No. 2) is DISMISSED based on all three subsections of § 1915(e)(2)(B) -- it is frivolous and malicious, fails to state a claim on which relief may be granted, and seeks monetary relief against defendants who are immune from such relief.

The Clerk of the Court is not to serve process or cause process to be served on this complaint.

IT IS SO ORDERED this 24th day of January, 2012.

/s/ Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

⁵Doc. No. 2.