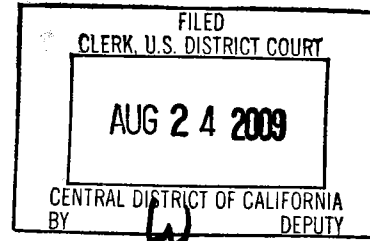


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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

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11 AMANDA U. AJULUCHUKU-LEVY)
12 Plaintiff,)
13 vs.)
14 TUTOR.COM)
15)
16 Defendant.)
17

CASE NO. CV 09-5164-R

ORDER

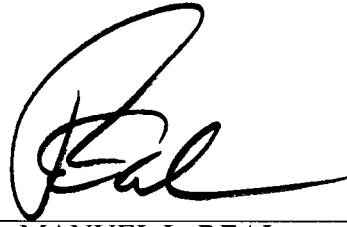
18 A district court shall dismiss at any time an action filed in forma pauperis if the court
19 determines that the action is frivolous or malicious or fails to state a claim upon which relief
20 may be granted. 28 U.S.C. § 1915(e)(2). A complaint is frivolous when the facts alleged are
21 clearly baseless. *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). This encompasses allegations
22 that are fantastical and delusional. *Id.* at 328; *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992).
23 “As those words suggest, a finding of factual frivolousness is appropriate when the facts alleged
24 rise to the level of the irrational or the wholly incredible, whether or not there are judicially
25 noticeable facts available to contradict them.” *Id.*

26 This complaint is, on its face, fanciful, delusional, and fantastic. It lacks an arguable
27 basis in law or fact, and is thus frivolous. In addition, the Court notes that Plaintiff has filed,
28 and the Court has dismissed, at least 44 prior lawsuits on the same basis. As it is clear that the

1 deficiencies of the complaint could not be cured by amendment, the complaint is dismissed
2 with prejudice.

3 IT IS SO ORDERED.

4 DATED: August 24, 2009.



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6 MANUEL L. REAL
UNITED STATES DISTRICT JUDGE

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