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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID HULL,  
  
                                Plaintiff,  
  
                                v.  
  
FREEMASONS, et al.,  
  
                                Defendants.

No. 2:16-cv-0863 JAM AC (PS)

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Plaintiff is proceeding in this action pro se. This matter was referred to the undersigned by E.D. Cal. R. 302(c)(21). Plaintiff has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff's in forma pauperis application makes the showing required by 28 U.S.C. § 1915(a)(1). Accordingly, the application will be granted.

Plaintiff filed a First Amended Complaint the same day the undersigned issued Findings and Recommendations based upon the original complaint. See ECF Nos. 4 (Findings & Recommendations), 5 (First Amended Complaint), 6 (Exhibits). The undersigned will therefore consider the First Amended Complaint to be the operative complaint, and vacate the original Findings and Recommendations.

I. SCREENING

A determination that a plaintiff qualifies financially for in forma pauperis status does not complete the inquiry required by the statute. The federal in forma pauperis statute authorizes

1 federal courts to dismiss a case if the action is legally “frivolous or malicious,” fails to state a  
2 claim upon which relief may be granted, or seeks monetary relief from a defendant who is  
3 immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

4 A claim is legally frivolous when it lacks an arguable basis either in law or in fact.  
5 Neitzke v. Williams, 490 U.S. 319, 325 (1989); Franklin v. Murphy, 745 F.2d 1221, 1227-28 (9th  
6 Cir. 1984). The court may, therefore, dismiss a claim as frivolous where it is based on an  
7 indisputably meritless legal theory or where the factual contentions are “clearly baseless.”  
8 Neitzke, 490 U.S. at 327. Thus, the term “frivolous,” when applied to a complaint, “embraces not  
9 only the inarguable legal conclusion, but also the fanciful factual allegation.” Id. at 325.

10 In addition, Rule 8 of the Federal Rules of Civil Procedure requires that a complaint  
11 provide “a short and plain statement of the claim showing that the pleader is entitled to relief.”  
12 Fed. R. Civ. P. 8(a)(2). The complaint must “give the defendant fair notice of what the ...claim is  
13 and the grounds upon which it rests.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)  
14 (citation and internal quotation marks omitted). Plaintiff must set forth “sufficient factual matter,  
15 accepted as true, to ‘state a claim to relief that is plausible on its face.’” Aschcroft v. Iqbal, 556  
16 U.S. 662, 678 (2009) (quoting Twombly, 550 U.S. at 570).

17 Normally, the court “must accept as true all of the factual allegations contained in the  
18 complaint.” Erickson v. Pardus, 551 U.S. 89, 94 (2007) (citing Twombly, 550 U.S. at 555-56).  
19 However, “a finding of factual frivolousness is appropriate when the facts alleged rise to the level  
20 of the irrational or the wholly incredible, whether or not there are judicially noticeable facts  
21 available to contradict them.” Denton v. Hernandez, 504 U.S. 25, 33 (1992). Therefore, the in  
22 forma pauperis statute “accords judges . . . the unusual power to pierce the veil of the complaint's  
23 factual allegations and dismiss those claims whose factual contentions are clearly baseless.” Id.  
24 Among those “are claims describing fantastic or delusional scenarios, claims with which federal  
25 district judges are all too familiar.” Id. at 328. This portion of the statute “is designed largely to  
26 discourage the filing of, and waste of judicial and private resources upon, baseless lawsuits that  
27 paying litigants generally do not initiate because of the costs of bringing suit and because of the

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1 threat of sanctions for bringing vexatious suits under Federal Rule of Civil Procedure 11.” Id.  
2 at 327.

3 The court does not exercise this “unusual power” lightly or often. Indeed, the court takes  
4 very seriously the following admonition of the Supreme Court:

5 An in forma pauperis complaint may not be dismissed, however,  
6 simply because the court finds the plaintiff’s allegations unlikely.  
7 Some improbable allegations might properly be disposed of on  
8 summary judgment, but to dismiss them as frivolous without any  
9 factual development is to disregard the age-old insight that many  
10 allegations might be “strange, but true; for truth is always strange,  
11 Stranger than fiction.” Lord Byron, *Don Juan*, canto XIV, stanza  
12 101 (T. Steffan, E. Steffan & W. Pratt eds. 1977).

13 Denton, 504 U.S. at 33 (emphases added). Nevertheless, when it is appropriate to do so – that is,  
14 when the allegations go well beyond “unlikely” or “improbable” and enter the realm of  
15 “irrational,” “wholly incredible” or “delusional” – the court carries out the intent of the law, and  
16 dismisses claims meeting the Neitzke standard. Denton, 504 U.S. at 33 (“a finding of factual  
17 frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly  
18 incredible”).

## 19 II. THE COMPLAINT

### 20 A. Short and Plain Statement

21 Plaintiff’s First Amended Complaint (“Complaint”) contains 708 pages of allegations,  
22 followed by over 2,300 pages of exhibits. See ECF Nos. 5, 5-1, 5-2, 5-3, 6. The Complaint is in  
23 plain violation of the requirement that it be a “short and plain statement” of plaintiff’s claims,  
24 showing that plaintiff is entitled to relief. See Fed. R. Civ. P. 8(a)(2).

### 25 B. The Merits

26 The Complaint is filed against 29 named defendants and 1,000 “Doe” defendants.  
27 Complaint (ECF No. 5) at 2. Among the named defendants are the Freemasons (identified as  
28 “Servants of Lucifer”), the Central Intelligence Agency, the United States Military, Calvary  
Christian Center, the Sacramento County Sheriff’s Department, the City of Sacramento  
California, the State of California, Barack Obama, the United States Government, the United  
States of America, the Federal Bureau of Investigation, Fremont Hospital, “Subpoena Traffic

1 2015-03-0389,” the Department of Justice (twice), Kaiser Permanente, the Sacramento Regional  
2 Threat Assessment Center, the United States Army: Criminal Investigation Command, the  
3 Department of Defense, the U.S. Department of Homeland Security and Mercy General Hospital.  
4 Id. at 2, 3-13. The Complaint seeks \$1 billion in damages, the “[r]emoval of all ILLEGAL  
5 IMPLANTS within the person of the plaintiff David Hull,” and the termination of electronic  
6 harassment and spying against plaintiff. ECF No. 5-3 at 171.

7 The Complaint alleges that plaintiff wrote a book entitled “Should A Christian Join The  
8 Army?” Id. at 18. Afterward, according to the Complaint, at the hands of the defendants,  
9 plaintiff suffered threats to murder him, implantation of electronic devices into his body, illegal  
10 searches and seizures, assassination attempts, electro-shocks and electronic harassment, attempts  
11 to get him to commit suicide, attempts to get him to change his book, stalking, torture, assaults,  
12 and many other outrages. The complaint further alleges that “defendant Barack Obama,” in his  
13 role as the “first black President of the United States of America,” was tricked into ordering  
14 plaintiff’s assassination, and then worked to cover up the assassination attempt. It further alleges  
15 that the CIA, California, and its citizens, among others, “have all been trying to assassinate”  
16 plaintiff.

17 A main focus of the Complaint is the alleged implantation of electronic devices and heavy  
18 metals into plaintiff’s body. According to the Complaint, those implants caused plaintiff “trauma  
19 with electro shocks,” caused him to attempt suicide, and caused him to crash his car into a vehicle  
20 containing “a baby a little girl and a mother and father.” These devices, along with the “heavy  
21 metals in our bodies which are put [there] by vaccines” allow the CIA to, among other things,  
22 “read your thoughts,” “send and [receive] private signals to you,” “see through your eyes,” and  
23 “hear what you hear.” The Complaint alleges that the defendant hospitals and their employees  
24 failed to confirm that foreign bodies had been implanted in plaintiff’s body, and refused to  
25 remove them.

26 There are many other allegations in the Complaint, however they are all of a similar  
27 nature to those described above.

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1 III. ANALYSIS

2 The court finds that the complaint consists entirely of fanciful and delusional allegations.  
3 The undersigned has carefully considered whether plaintiff may amend his pleading to state a  
4 valid claim. Leave to amend should be “freely” given “when justice so requires.” Fed. R. Civ.  
5 P. 15(a)(2). However, “that liberality does not apply when amendment would be futile.” Ebner  
6 v. Fresh, Inc., 818 F.3d 799, 808 (9th Cir. 2016). In light of the deficiencies noted above, the  
7 delusional nature of plaintiff’s allegations, and the fact that plaintiff has already amended his  
8 complaint once to make the same allegations as appear in the original complaint, the undersigned  
9 finds that it would be futile to grant plaintiff leave to amend in this case. The undersigned will  
10 therefore recommend that these claims be dismissed with prejudice.

11 IV. CONCLUSION


12 In accordance with the above, IT IS HEREBY ORDERED that

- 13 1. The previous Order and Findings and Recommendations (ECF No. 4), is VACATED.  
14 2. Plaintiff’s application to proceed in forma pauperis (ECF No. 3), is GRANTED.

15 Further, IT IS HEREBY RECOMMENDED that all claims against all defendants should  
16 be DISMISSED with prejudice.

17 These findings and recommendations are submitted to the United States District Judge  
18 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one (21)  
19 days after being served with these findings and recommendations, plaintiff may file written  
20 objections with the court. Such document should be captioned “Objections to Magistrate Judge’s  
21 Findings and Recommendations.” Local Rule 304(d). Plaintiff is advised that failure to file  
22 objections within the specified time may waive the right to appeal the District Court’s order.  
23 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

24 DATED: June 15, 2016

25   
26 ALLISON CLAIRE  
27 UNITED STATES MAGISTRATE JUDGE  
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