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**FILED**

**MAY 24 2007**

**RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MRS. LOUIS T. RECHT,

No. C 07-2670 JL

Plaintiff,

v.

**DISMISSAL**

ARMY,

Defendants.

\_\_\_\_\_ /  
This Court received Plaintiff's Application to file in forma pauperis ("IFP") as provided by 28 U.S.C. §1914.

"The clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court . . . to pay a filing fee of \$350 . . ." 28 U.S.C. 1914(a). In the alternative, "[a]ny court of the United States may authorize the commencement . . . of any suit . . . without prepayment of fees and costs or security therefor, by a person who makes affidavit that he is unable to pay such costs or give security therefor." 28 U.S.C. 1914(a).

The court "may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action is frivolous or malicious." *Id.* at 1914(d). This allows the court to review prior to service all claims brought pursuant to section 1914(d) and dismiss those claims that are frivolous or malicious. See *Denton v. Hernandez*, 112 S. Ct. 1728, 1732-33 (1992).

**United States District Court**  
For the Northern District of California

1 Dismissal for frivolousness prior to service under section 1914 (d) is appropriate  
2 where no legal interest is implicated, i.e. where a claim is premised on an indisputably  
3 meritless legal theory or is clearly lacking any factual basis. *Neitzke v. Williams*, 490 U.S.  
4 319, 327 (1989).

5 Section 1914(d) also accords judges the unusual power to pierce the veil of the  
6 complaint's factual allegations and dismiss those claims whose factual contentions are  
7 clearly baseless. *Denton v. Hernandez, Id.* Examples are claims describing fantastic or  
8 delusional scenarios with which federal district judges are all too familiar.

9 Plaintiff in the case at bar has filed an incoherent stream of consciousness which  
10 could not reasonably be characterized as a complaint. Only one example is "parol  
11 Evidence, microfish and bills of sales are needed due to illegal narcotics and heroin  
12 and cocaine and opium and non-FDA Approved Insects and Bio-Terrorism by canabes using  
13 the Human identity by aliens and family members serially murdering and plotting  
14 assassinations without my permission against my planet earth and the animals and  
15 mammals and matamorphoses and thru the FBI/CIA Agency and Monopoly and CEO's  
16 of all Corporations are employing all terrorist instead of stopping production and are even  
17 forcing actors and athletes to perform and concealed weapons of sodium penathol and are  
18 molesting all the animals and children even the court clerks and some Judges stating they  
19 have ordered everyone to eaten. - signatures crimes." [sic] (Complaint at 2:5-15)

20 The language of this complaint is virtually identical to that of C-07-2668 JL, *Recht v.*  
21 *Risk Management*, filed on the same day and referred by this Court for Reassignment with  
22 the recommendation that IFP be denied and the case dismissed with prejudice. The Court  
23 could not deny the IFP application, without Plaintiff's consent. *Tripathi v. Rison*, 847 F.2d  
24 548 (9th Cir. 1988).

25 This case is the fifth of eight filed by Ms. Recht within the last nine months. C-06-  
26 4919 MMC, *Recht v. U.S.*, was filed August 15, 2006 and dismissed on August 17. Plaintiff  
27 then bombarded the court with motions and letters as recently as March 29, 2007. C-06-  
28 4980 CRB, *Recht v. Heartland Financial*, was filed August 17, 2006 and dismissed

1 November 29, 2006. Plaintiff in that case also filed numerous letters and motions until  
2 March 28, 2007. C-06-4981 MEJ, *Recht v. VISA*, was filed August 17, 2006. C-07-2668  
3 JL, *Recht v. Risk Management*, was filed May 21, 2007. C-07-2670 JL, *Recht v. U.S. Army*,  
4 the case at bar, was filed May 21, 2007. C-07-2671 EMC, *Recht v. Homeland Security*,  
5 was filed May 21, 2007. C-07-2673 EMC, *Recht v. Navy*, was filed May 21, 2007, C-07-  
6 2674 JCS, *Recht v. Hansen*, was filed May 21, 2007.

7 This case is a flagrant abuse of the court system by someone who has filed a  
8 floridly delusional complaint. The application to file IFP here should be denied and the  
9 complaint dismissed without service of process. Plaintiff in this instance consented to the  
10 jurisdiction of this Court, as required by 28 U.S.C. §636(c), and Civil Local Rule 73. A  
11 magistrate judge may not deny in forma pauperis status absent the consent of the party,  
12 because that would be a dispositive ruling. *Tripati v. Rison*, 847 F.2d 548 (9th Cir. 1988).  
13 However, the Court in this case does have Plaintiff's consent and accordingly dismisses  
14 her case with prejudice. The Clerk shall close the file. The IFP application is denied as  
15 moot.

16 Should Plaintiff continue to file duplicative and meritless claims such as the two  
17 cases assigned to this Court, the Court would seriously consider ordering a hearing on the  
18 issue of whether Plaintiff should be declared a vexatious litigant and enjoined from filing  
19 complaints on certain issues without leave of the General Duty Judge of this court.

20 IT IS SO ORDERED

21 DATED: May 24, 2007

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24 JAMES LARSON  
25 Chief Magistrate Judge

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

MRS LOUIS T RECHT,  
Plaintiff,

Case Number: CV07-02670 JL

**CERTIFICATE OF SERVICE**

v.

ARMY et al,  
Defendant.

\_\_\_\_\_/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 24, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Louis T. Recht  
P.O. Box 424217  
San Francisco, CA 94118

Dated: May 24, 2007

Richard W. Wieking, Clerk  
By: Venice Thomas, Deputy Clerk