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28UNITED STATES DISTRICT COURT  
Northern District of California

ANTHONY BRODZKI,

No. C 12-02625 MEJ

Plaintiff,

**ORDER DISMISSING CASE**

v.

UNITED STATES OF AMERICA

Defendant.  

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On May 21, 2012, Plaintiff Anthony Brodzki filed a complaint and an application to proceed in forma pauperis (“ifp”). Plaintiff has consented to the jurisdiction of a United States magistrate judge pursuant to 28 U.S.C. § 636(c). Dkt. No. 5. On June 4, 2012, the Court granted Plaintiff’s application to proceed in forma pauperis. Dkt. No. 6. Since that time, however, it has become increasingly clear that this case should be dismissed sua sponte as frivolous and for failure to state a claim.

Under 28 U.S.C. § 1915(e)(2), the Court is required to dismiss a case when it is frivolous or “fails to state a claim on which relief may be granted.” Where a plaintiff is proceeding pro se, the Court must construe the complaint liberally. *Karim-Panahi v. Los Angeles Police Dep’t*, 839 F.2d 621, 623 (9th Cir. 1988). Nonetheless, the complaint must be sufficient to place defendants on notice of the nature of the claims asserted against them. *McKeever v. Block*, 932 F.2d 795, 798 (9th Cir. 1991).

Here, upon reassessment, the Court finds that Plaintiff’s Complaint fails to state a claim and is frivolous. In it, Plaintiff alleges that he “was attemptedly [sic] sodomized by henry pomocnik, in Illinois,” that he was “tortured, sodomized [sic] and raped” by his stepfamily,” and that he was “gang raped” by United States law enforcement. Compl., Dkt. No. 1. In addition to his Complaint, Plaintiff has also filed a “Motion for an injunction,” in which he requests the Court issue a temporary restraining order “instructing the United States government from harassing me with electronic vigor,” and refers to being tasered as a child. Dkt. No. 8. Since the Court granted his ifp


1 application, Plaintiff has also repeatedly called both the Court’s courtroom deputy and chambers,  
2 sometimes during business hours but mostly late at night, and left messages in which he makes  
3 statements that appear to relate to his Complaint, such as “the government is treating me like a  
4 husband would abuse a spouse,” “the FBI has been overzealous and has been having illegal  
5 intercourse with me,” “they are federally tasing me,” “my phony family was part of the rape,” “the  
6 United States gang raped and tortured me for two years and used disorientation equipment,” “I have  
7 a goofball brother that engaged these people in recreational sex,” and “they actually took a razor to  
8 my leg when I was a youth, and this is true, and he was going to cut me a female anatomy - this is  
9 how bad the feds were.” Based on Plaintiff’s filings and voicemail messages, it is clear that this  
10 case should be dismissed.

11 Moreover, this case in one of dozens of similar cases that Plaintiff has filed. In an order  
12 issued on January 26, 2012, Magistrate Judge Howard Lloyd in this District noted that “Brodzki  
13 appears to have filed no less than 63 complaints since 2009 in district courts across the country,  
14 many of which allege identical or similar claims to those asserted here.” *See Brodzki v. United*  
15 *States*, No. 11-5299, 2012 WL 253236, at \*5 (N.D. Cal. Jan. 26, 2012). Judge Lloyd noted that  
16 “[d]istrict courts across the country have dismissed cases filed by Mr. Brodzki on facts quite like  
17 those before this court, and many of those courts found Brodzki’s actions to be frivolous.” *Id.* The  
18 court concluded that Plaintiff’s action was frivolous, and dismissed it with prejudice. *Id.*; *see also*  
19 *Brodzki v. United States*, No. 11-878, 2012 WL 527364, at \*1 (D. Or. Feb. 16, 2012) (granting  
20 application for in forma pauperis but dismissing this Plaintiff’s case with prejudice). The Court  
21 adopts Judge Lloyd’s reasoning in full.

22 Accordingly, this case is hereby DISMISSED WITH PREJUDICE. Plaintiff’s pending  
23 motion for reconsideration is DENIED AS MOOT.

24 **IT IS SO ORDERED.**

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26 Dated: July 9, 2012

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Maria-Elena James  
Chief United States Magistrate Judge

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY BRODZKI,

Plaintiff(s),

v.

UNITED STATES OF AMERICA,

Defendant(s).

No. C 12-02625 MEJ

**CERTIFICATE OF SERVICE**

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 July 9, 2012, 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.

Anthony Brodzki  
6900 Herman Jared Drive  
North Richland Hill, TX 76182

Dated: July 9, 2012

Richard W. Wieking, Clerk  
By: Rose Maher, Deputy Clerk

