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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FREDERICK BANKS,
Plaintiff,
v.
DISNEY, et al.,
Defendants.

Case No. [16-cv-03635-JD](#)

ORDER OF DISMISSAL

Plaintiff, a federal prisoner, has filed a pro se complaint. He has been granted leave to proceed in forma pauperis.

DISCUSSION

STANDARD OF REVIEW

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). In its review, the Court must identify any cognizable claims, and dismiss any claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. *Id.* at 1915A(b)(1),(2). Pro se pleadings must be liberally construed. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990).

Federal Rule of Civil Procedure 8(a)(2) requires only “a short and plain statement of the claim showing that the pleader is entitled to relief.” Although a complaint “does not need detailed factual allegations, . . . a plaintiff’s obligation to provide the ‘grounds’ of his ‘entitle[ment] to relief’ requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do. . . . Factual allegations must be enough to raise a right to relief above

1 the speculative level.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (citations
2 omitted). A complaint must proffer “enough facts to state a claim to relief that is plausible on its
3 face.” *Id.* at 570. The United States Supreme Court has explained the “plausible on its face”
4 standard of *Twombly*: “While legal conclusions can provide the framework of a complaint, they
5 must be supported by factual allegations. When there are well-pleaded factual allegations, a court
6 should assume their veracity and then determine whether they plausibly give rise to an entitlement
7 to relief.” *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009).

8 **LEGAL CLAIMS**

9 Plaintiff contends that the FBI and CIA are responsible for various incidents of violence in
10 and around Orlando, Florida, including the shooting at the Pulse Nightclub, the killing of a singer
11 who appeared on the television show *The Voice*, and the killing of a toddler by an alligator at
12 Disneyworld. He alleges that the FBI and CIA are using wireless signals sent via satellite to
13 control individuals and animals and force them to act out. Plaintiff names as defendants various
14 federal agencies, politicians and cities including Richmond, CA which is in this district.
15 Plaintiff’s allegations are frivolous, malicious, and fail to state a claim. Because no amount of
16 amendment would cure the deficiencies of the complaint, this action is dismissed without leave to
17 amend.


18 **CONCLUSION**

- 19 1. The complaint is **DISMISSED** with prejudice for failure to state a claim.
20 2. The Clerk shall close this case.

21 **IT IS SO ORDERED.**

22 Dated: September 29, 2016

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JAMES DONATO
United States District Judge

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 FREDERICK BANKS,
5 Plaintiff,

6 v.

7 DISNEY, et al.,
8 Defendants.

Case No. [16-cv-03635-JD](#)

CERTIFICATE OF SERVICE

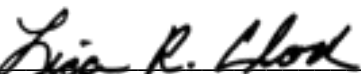
9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
10 District Court, Northern District of California.

11
12 That on September 29, 2016, I SERVED a true and correct copy(ies) of the attached, by
13 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
15 receptacle located in the Clerk's office.

16
17 Frederick Banks ID: 05711-068
18 FCI Butner
19 PO Box 1000
20 Butner, NC 27509

21 Dated: September 29, 2016

22
23 Susan Y. Soong
24 Clerk, United States District Court

25
26 By: 
27 LISA R. CLARK, Deputy Clerk to the
28 Honorable JAMES DONATO