UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

EUGENE ANGELO HARRIS JR., Plaintiff, vs. COUNTY OF SAN DIEGO PROBATION DEPARTMENT, Defendant.	CASE NO. 17cv234-LAB (RBB) **ORDER OF DISMISSAL**

When a pro se litigant asks to proceed without payment of fees, the Court must "dismiss the case at any time" when it determines the action is "frivolous." 28 U.S.C. § 1915. The *in forma pauperis* "statute accords judges not only the authority to dismiss a claim based on an indisputably meritless legal theory, but also the unusual power to pierce the veil of the complaint's factual allegations and dismiss those claims whose factual contentions are clearly baseless." *Neitzke v. Williams*, 490 U.S. 319, 327 (1989).

Harris asks the Court to terminate his probation and reprimand the Probation Department for taking too long to help him obtain evaluation and treatment at the San Diego Regional Center. Harris also adds, without any factual support, one sentence stating that after he was released from prison, he was assaulted "while being in 'state hired hands.'" The Court finds the claim is frivolous and fails to state a claim on which relief may be granted. The request to appoint counsel is denied and the case is dismissed without prejudice.

IT IS SO ORDERED.

DATED: May 4, 2017

HONORABLE LARRY ALAN BURNS
United States District Judge

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