

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
FEB 22 2013
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

Cedric Wayne Bagby,)
)
 Plaintiff,)
)
 v.)
)
 The President of Bank of America Corp.,)
)
 Defendant.)

Civil Action No. **13 0225**

MEMORANDUM OPINION

This matter is before the Court on its initial review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted and the complaint will be dismissed pursuant to 28 U.S.C. § 1915A (requiring dismissal of a prisoner's complaint upon a determination that the complaint fails to state a claim upon which relief may be granted or is frivolous).

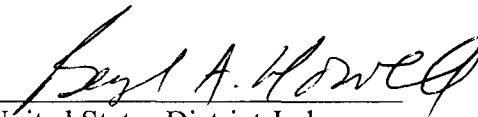
Plaintiff is a Texas state prisoner incarcerated in Amarillo, Texas. He sues Bank of America Corp., for an alleged "cover-up of oil and gas company's . . . illegal process." Compl. at 5 (page number supplied). The incoherent statements comprising the complaint fail to establish plaintiff's legal standing and the basis of federal court jurisdiction. Plaintiff mentions "the Civil Rights Act 42 U.S.C. § 1983," *id.*, but that statute by its terms applies to individuals who are alleged to have violated one's constitutional rights while acting under the authority of a state or municipality.

Not only does this complaint fail to state a claim against Bank of America, it also presents the type of fantastic or delusional scenarios warranting dismissal of the case as

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frivolous. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Best v. Kelly*, 39 F.3d 328, 330-31 (D.C. Cir. 1994); see *Crisafi v. Holland*, 655 F.2d 1305, 1307-08 (D.C. Cir. 1981) (“A court may dismiss as frivolous complaints . . . postulating events and circumstances of a wholly fanciful kind.”). A separate Order of dismissal accompanies this Memorandum Opinion.


United States District Judge

Date: February 11th, 2013