

FILED

JAN 15 2019

Clerk, U.S. District & Bankruptcy Courts for the District of Columbia

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

POLYNICE WADNER, Plaintiff, v. UNITED STATES OF AMERICA, et al., Defendants.

Civil Action No. 18-3162 (UNA)

MEMORANDUM OPINION

The trial court has the discretion to decide whether a complaint is frivolous, and such finding is appropriate when the facts alleged are irrational or wholly incredible. See Denton v. Hernandez, 504 U.S. 25, 33 (1992); Neitzke v. Williams, 490 U.S. 319, 325 (1989) (“[A] complaint, containing as it does both factual allegations and legal conclusions, is frivolous where it lacks an arguable basis either in law or in fact.”). Having reviewed the plaintiff’s complaint carefully, the Court concludes that what factual contentions are identifiable – including the plaintiff’s assertion that the defendants have planted a device inside of him to monitor his thoughts – are baseless and wholly incredible.

The Court will grant plaintiff’s application to proceed in forma pauperis and will dismiss the complaint as frivolous. See 28 U.S.C. §§ 1915(e)(2)(B)(i), 1915A(b)(2). An Order consistent with this Memorandum Opinion is issued separately.

DATE: January 13, 2019

[Signature] United States District Judge