


wholly incredible, *id.*, or if its legal arguments are frivolous, *cf. Anders v. State of California*, 386 U.S. 738, 744 (1967). Plaintiff acknowledges that there is no statutory basis for his claim, *see* Compl. ¶ 5, as the United States Court of Federal Claims informed him when it rejected his prior claims of entitlement to the monetary value of the medal:

This Medal was established by the Act of July 20, 1942, ch. 508, 56 Stat. 662, *codified at* 10 U.S.C. § 1122. Furthermore, the procedures for awarding the Medal are contained in Executive Order No. 9857A, 3 C.F.R. 1943–1948 Comp., p. 646 (May 27, 1947). Neither the Act of July 20, 1942, nor Executive Order No. 9867A, nor any other statute or regulation establishes a source of law that mandates compensation.

Baptichon v. United States, 85 Fed. Cl. 754, 756 (Fed. Cl. 2009), *aff'd*, 342 F. App'x 617 (Fed. Cir. 2009) (per curiam); *see Baptichon v. United States*, No. 19-1241C, 2019 WL 4619935, at *7 (Fed. Cl. Sept. 23, 2019).

The Court will grant plaintiff's application to proceed *in forma pauperis*. Further, because the complaint's factual allegations are baseless and its legal theories are meritless, the Court will dismiss the complaint as frivolous. *See Neitzke*, 490 U.S. at 327 (noting judges' "authority to dismiss a claim based on an indisputably meritless legal theory [and its] unusual power to pierce the veil of the complaint's factual allegations and dismiss those claims whose factual contentions are clearly baseless"). An Order consistent with this Memorandum Opinion is issued separately.

DATE: November 15, 2019


TANYA S. CHUTKAN
United States District Judge