

FILED

2/12/2021
 Clerk, U.S. District & Bankruptcy
 Court for the District of Columbia

**UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF COLUMBIA**

FERNANDO FONTANEZ,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 21-0203 (UNA)
)	
FEDERAL BUREAU OF INVESTIGATION,)	
)	
Defendant.)	

MEMORANDUM OPINION

This matter is before the Court on its initial review of Plaintiff’s *pro se* complaint and application for leave to proceed *in forma pauperis*. Under the statute governing *in forma pauperis* proceedings, the Court is required to dismiss a case “at any time” it determines that the action is frivolous, malicious, or fails to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2).

The complaint begins with what appears to be a claim under the Federal Tort Claims Act, yet the remainder—and the hundreds of pages of attachments—touch on so many topics and demand so many forms of relief that the Court cannot discern what claim or claims Plaintiff intends to bring. Further, based on the Court’s review of Plaintiff’s submission, many of the factual allegations contained in the complaint are incoherent, irrational or wholly incredible, rendering the complaint subject to dismissal as frivolous. *See Denton v. Hernandez*, 504 U.S. 25, 33 (1992) (“[A] finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible[.]”); *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.”); *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.”).

The Court will grant Plaintiff’s application to proceed *in forma pauperis* and will dismiss the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) as frivolous. A separate order will issue.

/s/
RANDOLPH D. MOSS
United States District Judge

DATE: February 12, 2021