

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

VICKI WILLIAMS,

Plaintiff,

vs.

Case No. 4:09cv272-SPM/WCS

LEON COUNTY COURT
SECOND JUDICIAL CIRCUIT,

Defendant.

_____ /

ORDER AND REPORT AND RECOMMENDATION

Plaintiff, who is *pro se*, submitted a civil rights complaint on July 29, 2009. Doc.

1. Plaintiff also filed a motion seeking leave to proceed *in forma pauperis*. Doc. 2.

Plaintiff's financial condition warrants the granting of *in forma pauperis* status and the motion is granted.

Federal law permits a United States District Court to dismiss a case filed *in forma pauperis*, if it is satisfied that the action is frivolous or malicious. The Supreme Court has recognized two types of cases which may be dismissed, *sua sponte*, pursuant to 28 U.S.C. § 1915(d). Neitzke v. Williams, 490 U.S. 319, 109 S. Ct. 1827, 1833, 104 L. Ed. 2d 338 (1989). The first class are "claim(s) based on an indisputably meritless legal theory," and the second class contain "claims whose factual contentions are clearly

baseless." *Id.* This case lacks both an arguable basis in law and is clearly removed from reality. Sultenfuss v. Snow, 894 F.2d 1277 (11th Cir. 1990), *citing* Neitzke. As the factual allegations are incomprehensible, dismissal of the complaint is appropriate.

Accordingly, it is **ORDERED** that Plaintiff's motion to proceed *in forma pauperis*, doc. 2, is **GRANTED**.

It is also **RECOMMENDED** that this action be **DISMISSED** for failure to state a claim upon which relief may be granted.

IN CHAMBERS at Tallahassee, Florida, on August 5, 2009.

s/ William C. Sherrill, Jr.
WILLIAM C. SHERRILL, JR.
UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

A party may file specific, written objections to the proposed findings and recommendations within 15 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 10 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.