

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

JUDY POWELL,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 1:16-cv-2089-WTL-MPB
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	
	)	

**Entry Granting *In Forma Pauperis* and Dismissing Complaint**

**I.**

The plaintiff’s motion for leave to proceed *in forma pauperis* [dkt. 2] is **granted**. The assessment of even a partial filing fee is not feasible at this time. Notwithstanding the foregoing ruling, the plaintiff owes the filing fee. “All [28 U.S.C.] § 1915 has ever done is excuse *pre*-payment of the docket fees; a litigant remains liable for them, and for other costs, although poverty may make collection impossible.” *Abdul-Wadood v. Nathan*, 91 F.3d 1023, 1025 (7th Cir. 1996).

**II.**

In this case, the named defendant is “United States of America, Solicitor General U.S. Department of Justice.” The plaintiff alleges that jurisdiction is invoked by 28 U.S.C. § 1331 along with the Federal Rules of Civil Procedure, Criminal Rules 2-1 and 7-1, Title 11 of the Indiana Code, Rule 72-1 and 42-1, Piracy, Aircraft Hijacking, and Impersonation. Beyond that, the complaint rambles in an incoherent fashion stringing together sentences with legal terms that make no sense when read together. For example, the complaint contains the following paragraph:

HAVING ESTABLISHED THE NEGLIGENCE; COLLUSION; DERELICTION OF DUTY;  
ABUSE OF PROCESS AND VIOLATION OF MY INALIENABLE AND IMPERMISSABLE  
RIGHTS IN ADHERENCE TO THE NECESSITY TO ESTABLISH CORRUPTION AT  
ALL LEVELS OF CITY; STATE AND FEDERAL GOVERNMENT I SUBMIT THIS  
NOTIFICATION THAT IN VIOLATION OF 40USC3331; 18USC1519; 5USC3331;  
EX ORDEL 12674; I.R.S. CODE 3949 4/B HED 3-20-2014 AND IDENTITY  
THEFT; FRAUD AND IMPELSONATION WAS/IS PERPETUATION OF MAIL  
FRAUD AND NOT DELIVERED AS INDICATED ON THE RETURN RECEIPT  
CARD PLACED IN MY POST OFFICE BOX 2760; INDIANAPOLIS, IN. 46206  
UNSIGNED?

A complaint that is wholly insubstantial does not invoke the district court's subject-matter jurisdiction. See *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 89 (1998); *In re African-American Slave Descendants Litig.*, 471 F.3d 754, 757 (7th Cir. 2006) ("A frivolous federal law claim cannot successfully invoke federal jurisdiction."). "When it becomes clear that a suit filed *in forma pauperis* is irrational or delusional, the district court is required to dismiss it, see 28 U.S.C. § 1915(e)(2)(B)(i)." *Ezike v. National R.R. Passenger Corp.*, No. 08-2139, 2009 WL 247838, 3 (7th Cir. Feb. 3, 2009).

Even giving the complaint liberal construction, this Court cannot discern within it any plausible federal claim. When a complaint is incomprehensible, it must be dismissed for failure to state a claim upon which relief can be granted. *Paul v. Marberry*, 658 F.3d 702, 705 (7th Cir. 2011); *United States ex rel. Garst v. Lockheed-Martin Corp.*, 328 F.3d 374, 378 (7th Cir. 2003) ("Rule 8(a) requires parties to make their pleadings straightforward, so that judges and adverse parties need not try to fish a gold coin from a bucket of mud."). As presented, the complaint is frivolous and warrants no further judicial time.

### III.

The plaintiff has a history of filing unintelligible complaints in this district. *See* 1:14-cv-810-RLY-DML (dismissed May 23, 2014, pursuant to 28 U.S.C. § 1915(e)(2)(B), 1:15-cv-0533-WTL-DML (dismissed April 21, 2015, pursuant to 28 U.S.C. § 1915(e)(2)(B). In light of this history and the complete lack of comprehensible claims in the complaint, it would be futile for the Court to direct the plaintiff to attempt to file an amended complaint that states a viable claim. For the reasons set forth above, the Court **DISMISSES** the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). Because the allegations in the complaint are so fanciful that they fail to engage the court's subject-matter jurisdiction, dismissal of this action shall be without prejudice. *See Ezike*, 2009 WL 247838 at \*3 (citing *African American Slave Descendants Litig.*, 471 F.3d at 758, 763.). Judgment consistent with this Entry shall now issue.

#### **IT IS SO ORDERED.**

Date: 8/9/16

Distribution:

JUDY ANN POWELL  
P.O. Box 2760  
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Hon. William T. Lawrence, Judge  
United States District Court  
Southern District of Indiana