

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

JESHA MILLER,)	
)	
Plaintiff,)	
)	
v.)	No. 3:17-cv-00177-TWP-MPB
)	
JUDICIAL BRANCH,)	
MEDIA,)	
CHRISTOPHER WRAY FBI Director,)	
STEVEN MNUCHIN Secretary of Treasury,)	
)	
Defendants.)	

**Entry Denying *In Forma Pauperis* Status and Directing Payment of Filing Fee,
Dismissing Complaint,
and Directing Entry of Final Judgment**

I. Filing Fee

Plaintiff's motion for leave to proceed *in forma pauperis*, dkt. 3, is **denied**. The motion indicates that plaintiff is employed and has sufficient income to which to pay the filing fee. Plaintiff shall pay the fee to the clerk of the district court no later than **December 7, 2017**.

II. The Complaint

The Court will review plaintiff's complaint pursuant to 28 U.S.C. § 1915(e)(2). This statute requires the Court to dismiss a case that is frivolous, malicious, or fails to state a claim upon which relief can be granted. *See also Hoskins v. Poelstra*, 320 F.3d 761, 762 (7th Cir. 2003) (a district court has ample authority to dismiss frivolous or transparently defective suits spontaneously, and thus save everyone time and legal expense). "A complaint is subject to dismissal for failure to state a claim if the allegations, taken as true, show the plaintiff is not entitled to relief." *Jones v. Bock*, 549 U.S. 199, 215 (2007).

The complaint “must actually suggest that the plaintiff has a right to relief, by providing allegations that raise a right to relief above the speculative level.” *Windy City Metal Fabricators & Supply, Inc. v. CIT Tech. Fin. Servs.*, 536 F.3d 663, 668 (7th Cir. 2008) (quoting *Tamayo v. Blagojevich*, 526 F.3d 1074, 1084 (7th Cir. 2008)). The Court construes pro se pleadings liberally, and holds pro se pleadings to less stringent standards than formal pleadings drafted by lawyers. *Obriecht v. Raemisch*, 517 F.3d 489, 491 n.2 (7th Cir. 2008).

Plaintiff’s complaint names as defendants (1) the Judicial Branch, (2) the Media, (3) FBI Director Christopher Wray, and (4) Secretary of the Treasury Steven Mnuchin. Plaintiff asserts that the Judicial Branch refuses to enforce the First Amendment, specifically the rights to free speech and a free press. He seeks an order requiring Treasury Secretary Mnuchin to pay him \$200 million by November 3, 2017, for a “default of the 14th Amendment right to due process and imposed slavery on citizen and veteran of the Vietnam Era Jesha Donaldson Miller.” Dkt. 1 at 1. The complaint also intertwines comments about habeas corpus, racial discrimination, jury selection, fair and impartial trials, censorship, and other things, but nowhere in the complaint is there a claim for relief that sets forth any basis for jurisdiction and containing a short and plain statement showing entitlement to some form of relief. *See Fed. R. Civ. P.* 8.

The “Judicial Branch” and “the Media” are non-suable entities. The FBI Director is not mentioned in the complaint other than the caption. The references to the Treasury Secretary are solely as a person for the Court to order to make the requested \$200 million payment. Nothing here states a claim for relief under any possible liberal interpretation of plaintiff’s missive.

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). When it becomes clear

that a lawsuit is irrational, the district court is required to dismiss it. *See* 28 U.S.C. 1915(e)(2)(B)(i); *African-American Slave Descendants Litig.*, 471 F.3d at 758, 763.

Accordingly, the complaint, dkt. 1, is **dismissed** 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. *African-American Slave Descendants Litig.*, 471 F.3d at 758, 763. Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 11/13/2017



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

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