

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE  
CIVIL ACTION NO. 3:09-CV-54-S**

**CONNIE MARSHALL**

**PLAINTIFF**

**v.**

**DAVID HUBER *et al.***

**DEFENDANTS**

**MEMORANDUM OPINION**

Plaintiff, Connie Marshall, filed this *pro se* action against United States Attorney David Huber; the Department of Justice; the Attorney General of the United States; the Department of Justice; Governor Steve Beshear; the Commonwealth of Kentucky; FBI agent Mr. Cox; the Federal Bureau of Investigations, Louisville, Kentucky; Chief White of the Louisville Metro Police Department; the Louisville Metro Police Department; Mayor Jerry Abramson; the Jefferson County Mayor's Office; Kentucky State Police Commissioner Rodney Brewer; the Kentucky State Police; Sheriff Aubrey; and the Jefferson County Sheriff's Office.

Plaintiff alleges twenty-one causes of action against these Defendants: 1) Government Waste and Fraud; 2) Violation of the False Claims Act; 3) Conspiracy; 4) Retaliation; 5) Violation of Oath of Office and Failure to Assist; 6) Violation of Civil Rights; 7) Violation of Civil Liberties; 8) Racism; 9) Production of Fraudulent Documents; 10) Abuse of Power; 11) Torture--Microwaving, Infrasound Physical Assault (over 100 known Assaults); 12) Extortion; 13) Illegal Incarceration--2 days of a 57 year old Grandmother who has never been to jail or committed a crime in her life; 14) Trespassing--Illegal Surveillance inside and outside of her home for no reasons as the Plaintiff has no criminal record, does not do drugs and does not have any mental problems; 15) Defamation Libel and Defamation Slander; 16) Destruction of

Employment--every job is destroyed; 17) Identity Theft; 18) Destruction of Property; 19) Violating my right to use any and all communication (this includes telephones incoming and outgoing, fax machines, mail--also express); 20) Obstruction of Justice; and 21) Emotional Distress, Pain, and Suffering and Physical Damage as the Plaintiff has been continuously violated by these offices for the past six years.

Plaintiff explains the basis of her claims in more detail as follows:

I have been terrorized, tormented, tortured, property destroyed (telephones, fax, machines, computer, washer, dryer, car tampered with), jobs destroyed, under surveillance in and outside my home--even in my bedroom in my most private moments, mail intercepted (including federal express mail and U.S. Supreme Court mail, etc.), birth certificate changed and sent a fraudulent birth certificate, tortured (microwaved for over two (2) years, utilities intercepted and turned off and on in homes, calls rerouted, calls cut off (echoes--underwater sounds--static--F.B.I.'s recording device getting stuck), helicopters (military and small aircraft flying over home low enough to rattle my windows), satellites over house and sky cams following me, followed, threatened on telephone numerous times (told I need to stop talking), fraudulent claims circulated regarding my health made by government officials, office destroyed, money extorted, and the list goes on and on.

I have never committed any crimes, have no mental disabilities, and do not do drugs. I am a 57 year old woman whose grandchildren were taken illegally by the state several years ago and I am still fighting this. I was also the victim of a hate crime and I have a cd from a forensic analyst that I hired of my coworkers discussing killing me and taking me to the KKK and I have a transcript of a court reporter that I hired. I tried to get assistance from U.S. Attorney David Huber and received a letter from him stating I am harassing his office. Therefore the authorities that should be helping me are terrorizing, torturing, and tormenting me. . . . I know I have been targeted and I am a victim of a conspiracy and I am requesting assistance immediately, as most recently someone tried to run my car off the expressway and there are other minority women who have experienced similar problems with the corruption in Kentucky on the state and federal level. The offices behind the corruption include my local police, my local F.B.I. and my local Dept. of Justice U.S. Attorney General David Huber. I FEAR FOR MY LIFE.

Plaintiff attaches a "log of events" to her complaint. The log details the treatment that

Plaintiff claims to have received from local, state, and federal authorities over the past several years as well as the problems Plaintiff claims to have experienced with her telephones, electricity, and employment that she directly attributes to Defendants.

Under 28 U.S.C. § 1915(e), which governs *in forma pauperis* proceedings, the Court has a mandatory duty to screen initial filings. *McGore v. Wigglesworth*, 114 F.3d 601 (6th Cir. 1997). Specifically, a district court must dismiss an action that the court finds to be frivolous or malicious or that fails to state a claim. *See* 28 U.S.C. § 1915(e)(2)(B)). “The *in forma pauperis* statute, unlike Rule 12(b)(6), ‘accords judges not only the authority to dismiss a claim based on an indisputably meritless legal theory, but also the unusual power to pierce the veil of the complaint’s factual allegations and dismiss those claims whose factual contentions are clearly baseless.’ ‘Examples of the latter class,’ we said, ‘are claims describing fantastic or delusional scenarios, claims with which federal district judges are all too familiar.’” *Denton v. Hernandez*, 504 U.S. 25, 32 (1992) (quoting *Neitzke v. Williams*, 490 U.S. 319, 327-38 (1989)). “A finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them.” *Id.* at 33. The Court has carefully reviewed Plaintiff’s complaint and concludes that it is clearly baseless for those very reasons.

Here, the complaint is precisely the type of “fantastic,” “delusional” and “incredible” allegations that warrant dismissal as factually frivolous. Essentially, Plaintiff’s complaint is nothing more than a collection of totally unsubstantiated events compiled by an individual who believes that various things are occurring to her, which simply are illogical and delusional. *See Knight v. Foxworth*, No. 6:07cv70, 2007 U.S. Dist. LEXIS 61727 (E.D. Tex. Aug. 22, 2007) (“In

this case, it is apparent that Knight's claims of monitoring by unseen enemies via computer, through the plumbing and air vent in his cell, are irrational and wholly incredible.") It is clear that the Court is not the forum that can provide Plaintiff with the type of assistance she truly needs. Plaintiff's allegations are simply based on some paranoid or delusional fantasy and unsupported imaginings that Defendants and others are somehow trying to harass and eventually kill her.

Accordingly, this action will be dismissed under 28 U.S.C. § 1915(e)(2)(B)(i) as frivolous.

Date:

cc: Plaintiff, *pro se*

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