

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MARC BURNELL

*

Plaintiff

*

v

*

Civil Action No. PX-18-249

FEDERAL BUREAU OF INVESTIGATION, *
MONTGOMERY COUNTY POLICE DEPT., *
DC METROPOLITAN POLICE DEPT. *

Defendants

*

MEMORANDUM OPINION AND ORDER

Plaintiff files this personal injury complaint, seeking one million dollars in damages for Defendants “covert harassment,” to include “electronic and electromagnetic (EM) device assaults by the use of exotic EM weapons of the military and intelligence agencies, organized stalking, mental distress, computer tampering, workspace mobbing, etc.” ECF No. 1 at p. 7. Plaintiff notes that some of the offending conduct may also include “unauthorized human subject experimentation.” *Id.* He seeks leave to proceed with his claim in forma pauperis. ECF No. 2. Plaintiff shall be granted leave to proceed in forma pauperis and the complaint shall be dismissed.

28 U.S.C. § 1915(a)(1) permits an indigent litigant to file suit in this Court without prepaying the filing fee. However, to guard against possible abuses of this privilege, the statute requires dismissal of any claim that is frivolous or malicious, or fails to state a claim on which relief may be granted. 28 U.S.C. § 1915(e)(2)(B)(i) and (ii). This Court is mindful, however, of its obligation to construe liberally self-represented pleadings. *See Erickson v. Pardus*, 551 U.S.

89, 94 (2007). Nonetheless, the Court cannot ignore a clear failure in the pleading to allege facts which set forth a cognizable claim. *See Weller v. Dep't of Soc. Servs.*, 901 F.2d 387 (4th Cir. 1990); *see also Beaudett v. City of Hampton*, 775 F.2d 1274, 1278 (4th Cir. 1985) (stating a district court may not “conjure up questions never squarely presented”). The Court, moreover, retains discretion to dismiss *sua sponte* a totally implausible or frivolous complaint. *See Apple v. Glenn*, 183 F.3d 477 (6th Cir. 1999); *O'Connor v. United States*, 159 F.R.D. 22 (D. Md. 1994); *see also Crowley Cutlery Co. v. United States*, 849 F.2d 273, 277 (7th Cir. 1988) (federal district judge has authority to dismiss a frivolous suit on his own initiative).

Burnell attaches to his complaint letters from members of Congress, the U.S. Department of Justice, State's Attorney's Office for Montgomery County, Maryland, District of Columbia Police, and Montgomery County Police. These letters note that Plaintiff's harassment claims are either unsubstantiated, not meriting investigation, or outside the purview of that particular office's investigative jurisdiction. ECF No. 1-1. With respect to damages, Plaintiff asserts that electronic and electromagnetic device assaults have caused “a few small lesions in the subcortical and deep white matter of the cerebral hemispheres,” as reflected in an MRI report attached to the complaint. *Id.* at p. 9. Notably, the radiology report attributes the lesions to normal aging, vasculitis, and migraine syndrome. *Id.*

When construed liberally in Plaintiff's favor, the complaint appears to be an unfortunate outgrowth of delusional and fanciful suspicions of government persecution. The complaint does not plausibly aver a cause of action for which the named Defendants must answer. Accordingly, it is this 26th day of February, 2018, by the United States District Court for the District of Maryland, hereby ORDERED that:

1. The Motion to Proceed in Forma Pauperis (ECF No. 2) IS GRANTED;

2. The Complaint IS DISMISSED;
3. The Clerk SHALL PROVIDE a copy of this Order to Plaintiff; and
4. The Clerk SHALL CLOSE this case.

/S/

Paula Xinis
United States District Judge