

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BOMANI PHAKAMILE-EL,

Plaintiff,

Civil Action No. 17-CV-12981

vs.

HON. BERNARD A. FRIEDMAN

ERIC R. SABREE,

Defendant.

**OPINION AND ORDER GRANTING PLAINTIFF'S APPLICATION TO
PROCEED IN FORMA PAUPERIS AND DISMISSING THE COMPLAINT**

This matter is before the Court on plaintiff's application to proceed *in forma pauperis* [docket entry 2]. Pursuant to E.D. Mich. LR 7.1(f)(2), the Court shall decide this motion without a hearing. For the following reasons, the Court shall (1) grant the application and therefore allow the complaint to be filed without prepayment of the filing fee, and (2) dismiss the complaint because it is frivolous.

First, the Court grants plaintiff's application to proceed *in forma pauperis*. Under 28 U.S.C. § 1915(a)(1), the Court may waive a person's filing fees if he shows he is "unable to pay such fees." Here, plaintiff's affidavit shows that he makes approximately \$13,000 a year. Consequently, the Court finds plaintiff unable to pay the required filing fee.

Second, the Court dismisses plaintiff's complaint. Section 1915(e)(2)(B)(i) states that the Court "shall dismiss the case at any time if the court determines that the" action "is frivolous or malicious"; that is, "if it lacks an arguable basis in law or fact." *Brown v. Bargery*, 207 F.3d 863, 866 (6th Cir. 2000).

Here, plaintiff's complaint—entitled “Writ of Stay and Abate”—has no basis in law or fact. It is a convoluted jumble of legal jargon and citations to state and federal constitutions and the Uniform Commercial Code. Plaintiff's only assertion resembling an argument is that he should not have to pay taxes or suffer the consequences of not paying because he “did not consent [or] agree” to pay taxes. *Id.* ¶ 14.

No one likes taxes. But unfortunately for plaintiff, the Taxman does not need to secure our permission or consent before collecting property taxes. Because this complaint has no basis in law, it is frivolous.

Accordingly,

IT IS ORDERED that plaintiff's application for leave to proceed *in forma pauperis* is granted.

IT IS FURTHER ORDERED that plaintiff's complaint is dismissed.

s/Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

Dated: September 13, 2017
Detroit, Michigan

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S Mail addresses disclosed on the Notice of Electronic filing on September 13, 2017.

s/Teresa McGovern
Case Manager Generalist