

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID J.W. TYRAN JR.,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

2:20-CV-12104

HON. TERRENCE G. BERG

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

This matter is before the Court on review of the complaint and application to proceed in forma pauperis. ECF Nos. 1, 4.

Plaintiff alleges that “medical providers and legal authorities have committed crimes against me, and continue to force malpractice crimes against me.” ECF No. 1, PageID.2. In his complaint, Plaintiff discusses his difficult background and recites a litany of his medical conditions, primarily relating to fractures in his feet, but also in other parts of his body. ECF No. 1, PageID.4-17. Plaintiff requests monetary damages in the amount of \$250 billion. ECF No. 1, PageID.3.

As an initial matter, 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 that he is “unable to pay such

fees.” Here, Plaintiff avers that he is not able to pay filing fees because he is indigent. ECF No. 1, PageID.1. Therefore, the Court finds him unable to pay the required filing fee.

Second, the Court dismisses the Plaintiff’s complaint. 28 U.S.C. § 1915(e)(2)(B)(i) states that the Court “shall dismiss the case at any time of the court determines that the” action “is frivolous.” An action is frivolous “if it lacks an arguable basis in law or fact.” *Brown v. Bargery*, 207 F.3d 863, 866 (6th Cir. 2000) (citing *Neitzke v. Williams*, 490 U.S. 319, 325 (1989)). A complaint lacks an arguable basis in law or fact if it contains factual allegations that are “fantastic or delusional” or if it is based on legal theories that are indisputably meritless. *Neitzke*, 490 U.S. at 327-28. Pro se filings should also be construed liberally. *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972).

Here, Plaintiff’s allegations are both so vague and broad that they are frivolous. No specific defendants were identified. Plaintiff asks the Court to apply for him the relevant laws to his allegations. ECF No. 1, PageID.2-3, 20. In detailing his medical conditions, Plaintiff does not point to a cognizable defendant or cause of action. See ECF No. 1, PageID.17. The Court may not oblige such a request. Further, in its current form, the Complaint puts no possible defendant on notice as to what claims may exist against it. Such allegations lack a basis in law and fact and are therefore frivolous.

Accordingly, the Plaintiff's application for leave to proceed in forma pauperis granted. It is further ordered that the Plaintiff's complaint is dismissed.

IT IS SO ORDERED.

Dated: November 17, 2020

s/Terrence G. Berg

TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE