

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

TRACY HARRIS

PLAINTIFF

v.

No. 4:18CV151-DAS

EARNEST LEE, ET AL.

DEFENDANTS

MEMORANDUM OPINION

The court, *sua sponte*, reviews this *pro se* prisoner complaint filed under 42 U.S.C. § 1983 for consideration of dismissal. The plaintiff complains that, since at least 2012 during his incarceration, he has heard “the sounds and voices of [his] ex-wife mingled together with the voices of other men.” Doc. 1 at 4. He asked other inmates whether they heard the sounds and voices, and they did not. *Id.* He believes that other inmates are using electronic eavesdropping devices” to spy on him, 24 hours a day, for his ex-wife, and requests that his fellow inmates “be executed.” *Id.* at 11, 13. Mr. Harris believes that his ex-wife is using microwaves to hear his innermost thoughts. *Id.* at 30.

After carefully considering the contents of the *pro se* complaint and giving it the liberal construction required by *Haines v. Kerner*, 404 U.S. 519 (1972), the court has concluded that the complaint is wholly without substantive merit. A complaint lacks an arguable basis in law if it is “based on an indisputably meritless legal theory,” such as if the defendants are clearly immune from suit or if the complaint alleges the violation of a legal interest that clearly does not exist. *Neitzke v. Williams*, 490 U.S. 319, 327, 198 S.Ct. 1827, 1833, 104 L.Ed.2d 338 (1989). The law empowers judges to “pierce the veil of the complaint’s factual allegations and dismiss those claims whose factual contentions are clearly baseless Examples . . . are claims describing fantastic or delusional scenarios” *Id.*, 490 U.S. at 327, 328. The plaintiff’s contentions in the present case are clear examples of “fantastic or delusional scenarios.” As such, they will be dismissed. A final judgment

consistent with this opinion will be entered today.

SO ORDERED, this, the 8th day of August, 2018.

/s/ David A. Sanders
DAVID A. SANDERS
UNITED STATES MAGISTRATE JUDGE