

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JOEL B. ATTIA

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:21CV159-RPM

CHRISTOPHER WRAY

DEFENDANT

MEMORANDUM OPINION & ORDER

This matter is before the Court *sua sponte*. Plaintiff Joel B. Attia, proceeding *pro se* and *in forma pauperis*, filed a complaint on May 14, 2021, against Christopher Wray, “Head of FBI”. In his complaint, Plaintiff alleges that he has been terrorized since 2013. He alleges that Nvidia Corporation created COVID-19 by using low frequency cameras and lasers all over the world. According to Plaintiff, Nvidia has discovered how to turn regular light bulbs into cameras with a strobe effect of blue and red lights. The low frequency devices cause COVID-19, affecting smell, taste, and causing other symptoms. He has contacted the Federal Bureau of Investigation (FBI) about his allegations, but the FBI refuses to investigate. He seeks \$25 trillion in damages for harm to his body and mind.

The Court conducted a screening hearing on October 5, 2021, at which time Plaintiff consented to proceed before a United States Magistrate Judge.¹ Plaintiff testified at the hearing under oath. He clarified that he is suing the entire FBI for failing to investigate his allegations. At the hearing, Plaintiff also alleged that the FBI refuses to investigate allegations he has made against several individuals who have followed him for eight years, talked to his doctors, put

¹ In the Fifth Circuit, a plaintiff can legally consent to have his or her case heard in full by a magistrate judge before named defendants have been served. *See Neals v. Norwood*, 59 F.3d 530, 532 (5th Cir. 1995) (holding that unserved, named parties are not “parties” within the meaning of 28 U.S.C. § 636(c)); *Pittman-Bey v. Celum*, 557 F. App’x 310, 311 (5th Cir. 2014) (finding no issue with magistrate judge’s dismissal of case where plaintiff consented but no defendant was served).

liquid Drano or something caustic in his pulled pork, taken his motorcycle keys from the Hard Rock Casino, and put acid in his shampoo.

Plaintiff has filed other lawsuits containing similar allegations, some of which have been dismissed as frivolous. *See Attia v. Jackson et al*, Civil Action No. 1:20-cv-211-LG-RPM; *Attia v. Hard Rock Casino et al*, 1:20-cv-322-RPM; *Attia v. Nvidia Corp. et al*, 1:20cv343-HSO-JCG. In fact, Plaintiff has been banned from filing any future lawsuits without prior approval of the Court. *See Attia v. Martin, et al*, Civil Action No. 1:21-cv-90-LG-JCG. The Court's sanction order applies prospectively and was issued after Plaintiff filed the instant complaint.

The Court concludes that Plaintiff's instant complaint should be dismissed as frivolous. A district court may dismiss a complaint filed *in forma pauperis* if it concludes that the action is frivolous or malicious. *See* 28 U.S.C. § 1915(e)(2). An action is frivolous if it lacks an arguable basis in either law or fact. *Brewster v. Dretke*, 587 F.3d 764, 767 (5th Cir. 2009). A claim is factually frivolous when the facts alleged are "clearly baseless," a category encompassing allegations that are "fanciful," "fantastic," and "delusional" or when they "rise to the level of the irrational or the wholly incredible." *Neitzke v. Williams*, 490 U.S. 319, 325-28 (1989); *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992). Plaintiff's assertion that Nvidia Corporation has placed strobing, light-bulb cameras around the world, thereby causing the current global pandemic, belongs in the category of fantastic and delusional allegations. The FBI's refusal to investigate such outlandish claims does not state a cause of action. *See Smith v. FBI*, 22 F.App'x 523, 2001 WL 1450814 (affirming dismissal of claims as frivolous against FBI for failure to investigate allegations of foot fungus in roller skates owned by local department of recreation); *Kersh v. Mueller*, 450 F.App'x 744, 2011 WL 6145353 (10th Cir. 2011)(affirming dismissal of claims as frivolous against FBI Director for failure to investigate alien abduction). *See also Alexander v.*

Trump, 753 F.App'x 201 & n.4 (5th Cir. 2018) (concluding that plaintiff's allegations against FBI Director Wray for failure-to-investigate failed to state a claim).

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff's complaint is hereby dismissed as frivolous.

SO ORDERED AND ADJUDGED, this the 11th day of February 2022.

/s/ Robert P. Myers, Jr.

ROBERT P. MYERS, JR.
UNITED STATES MAGISTRATE JUDGE