

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOSEPH JOHNSON, et al.,)
Plaintiffs,)
v.)
UNITED STATES, et al.,)
Defendants.)
No. 4:12-CV-2155 CAS

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff Joseph Johnson's motion for leave to proceed in forma pauperis. Based on the financial information provided with the motion, the Court will grant the motion and allow this case to proceed without payment of the filing fee.

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss a complaint filed in forma pauperis if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief. An action is frivolous if it “lacks an arguable basis in either law or fact.” Neitzke v. Williams, 490 U.S. 319, 328 (1989); Denton v. Hernandez, 504 U.S. 25, 31 (1992) (An action is factually frivolous if the facts alleged are “fanciful,” “delusional,” or “fantastic.”). An action is malicious if it is undertaken for the purpose of harassing the named defendants and not for the purpose of vindicating a cognizable right. Spencer v. Rhodes, 656 F. Supp. 458, 461-63 (E.D.N.C. 1987), aff’d 826 F.2d 1059 (4th Cir. 1987). A complaint fails to state a claim if it does not plead “enough facts to state a claim to relief that is plausible on its face.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007).

The complaint is comprised of eighty-six pages of rambling, paranoid, and nonsensical allegations regarding a vast and decades-long conspiracy involving the President, the FBI, the CIA,

the NSA, the United States Judiciary, the State of Missouri, AT&T, and other governmental and non-governmental organizations to spy on plaintiffs because of suspected terrorist activities and to allegedly deprive plaintiffs of their rights. These “spying activities” include “physical surveillance, electronic eavesdropping, oral and telephone communications intercept spying program implemented against the Plaintiff(s).”

The allegations are delusional and, therefore, they are factually frivolous under Denton. As a result, the Court will dismiss this action under 28 U.S.C. § 1915(e).

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to proceed in forma pauperis is **GRANTED**. [Doc. 2]

IT IS FURTHER ORDERED that this action is **DISMISSED**.

An Order of Dismissal will be filed with this Memorandum and Order.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 20th day of November, 2012.