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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 GEORGE MERCIER,)
8 vs.) Plaintiff,) Case No. 2:07-cv-00368-LRH-GWF
9))
10 THE FEDERAL BUREAU)
11 OF INVESTIGATION,)
12 Defendants.) **ORDER & FINDINGS AND**
) **RECOMMENDATIONS**
) **(Application to Proceed In Forma**
) **Pauperis, Supporting Documentation**
) **and Order - #1)**

13 This matter is before the Court on Plaintiff's Application to Proceed *in Forma Pauperis* (#1),
14 filed on March 22, 2007. Pursuant to 28 U.S.C. § 1915, the Court finds that Plaintiff is unable to pre-
15 pay the filing fee.

16 **DISCUSSION**

17 **I. Screening the Complaint**

18 Upon granting a request to proceed *in forma pauperis*, a court must additionally screen a
19 complaint pursuant to 28 U.S.C. § 1915(e). Specifically, federal courts are given the authority to dismiss
20 a case if the action is legally "frivolous or malicious," fails to state a claim upon which relief may be
21 granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §
22 1915(e)(2). A complaint, or portion thereof, should be dismissed for failure to state a claim upon which
23 relief may be granted "if it appears beyond a doubt that the plaintiff can prove no set of facts in support
24 of his claims that would entitle him to relief." *Buckey v. Los Angeles*, 968 F.2d 791, 794 (9th Cir. 1992).
25 A complaint may be dismissed as frivolous if it is premised on a nonexistent legal interest or delusional
26 factual scenario. *Neitzke v. Williams*, 490 U.S. 319, 327–28 (1989). Moreover, "a finding of factual
27 frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly
28 incredible, whether or not there are judicially noticeable facts available to contradict them." *Denton*, 504

1 U.S. at 33. When a court dismisses a complaint under § 1915(e), the plaintiff should be given leave to
 2 amend the complaint with directions as to curing its deficiencies, unless it is clear from the face of the
 3 complaint that the deficiencies could not be cured by amendment. *See Cato v. United States*, 70 F.3d
 4 1103, 1106 (9th Cir. 1995).

5 Plaintiff alleges that the New York Times printed a “very pornful and indecent” large photograph
 6 of Steve Wynn and Al Gore. Plaintiff also alleges that the New York Times printed an article about how
 7 the Federal Bureau of Investigation (“FBI”) is being criticized for abuses of eavesdropping. Plaintiff
 8 alleges the FBI has violated his civil rights by eavesdropping on him. As a result, Plaintiff impeaches
 9 several presidential candidates, Donald Trump, Sam Webb, Mel Martinez, Mike Duncan, Howard Dean,
 10 Jon Huntsman, Jr., Elliot Spitzer, Jim Gibbons, and Steve Wynn for obtaining information of Plaintiff
 11 collected by the FBI.

12 Plaintiff alleges that the FBI has defamed him, Ceasar [sic] Chavez, Marilyn Monroe, and Marisa
 13 Mercier. Plaintiff alleges that the FBI lied and deleted any reference of Chavez serving in the U.S.
 14 Armed Forces. Plaintiff also alleges that the FBI supports “Aliens” by withholding information that
 15 Charles de Gaulle of France murdered Monroe through the use of a brain impalement. Based on the
 16 FBI’s cover up of Chavez and Monroe, Plaintiff asserts that the FBI has collected false information
 17 about him. Plaintiff impeaches all FBI agents for revealing information about Plaintiff.

18 **IT IS HEREBY ORDERED** that Plaintiff’s Application to Proceed *in Forma Pauperis* is
 19 **granted**. Plaintiff shall not be required to pre-pay the full filing fee of Three Hundred Fifty Dollars
 20 (\$350.00).

21 **IT IS FURTHER ORDERED** that the Clerk of the Court shall file the Complaint.

22 **RECOMMENDATION**

23 Based on the foregoing, it is the **recommendation** of the undersigned United States Magistrate
 24 Judge that the Complaint should be **dismissed** with prejudice based on an indisputably meritless legal
 25 theory and frivolity.

26 DATED this 26th day of March, 2007.

27 
 28 **GEORGE FOLEY, JR.**
UNITED STATES MAGISTRATE JUDGE