

relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B). An action is “frivolous” when either: (1) “the factual contentions are clearly baseless, such as when allegations are the product of delusion or fantasy;” or (2) “the claim is based on an indisputably meritless legal theory.” Livingston v. Adirondack Beverage Co., 141 F.3d 434, 437 (2d Cir. 1998) (internal quotation marks and citation omitted).

Discussion

The Supreme Court has observed that a “finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them.” Denton v. Hernandez, 504 U.S. 25, 33 (1992); see also Neitzke v. Williams, 490 U.S. 319, 325 (1989). Plaintiff’s pleadings are irrational and incredible. Plaintiff’s allegations – even under the very liberal reading we accord *pro se* pleadings (and even if plaintiff himself believes them to be true) – can only be described as delusional and fantastic. See Denton, 504 U.S. at 33.

Plaintiff brings this action against 33 defendants, including President Obama, former President Clinton, Benjamin Netanyahu, Vladimir Putin and the Roman Catholic Church. Plaintiff alleges that defendants are part of a conspiracy to assassinate him in retaliation for voting against President Obama, for exposing a spy ring involving the Russian Government and for filing lawsuits in the United States District Court for the Southern District of New York. Since the complaint is devoid of any basis in law or fact, defects which cannot be cured by amendment, this frivolous action is dismissed. See Livingston, 141 F.3d at 437.

Furthermore, the Court takes judicial notice of plaintiff’s litigation history in the Southern District of New York where he is now barred from filing any new *in forma pauperis* action without first obtaining the Court’s permission. See Samuel v. Bloomberg, No. 11 Civ.

4609 (S.D.N.Y. Sept. 27, 2011); see also Samuel v. Bloomberg, No. 11 Civ. 1119 (S.D.N.Y. Apr. 22, 2011); Samuel v. Bloomberg, No. 10 Civ. 3267 (S.D.N.Y. Apr 19, 2010); Samuel v. Bellevue Hosp., No. 07 Civ. 6321 (S.D.N.Y. Aug. 22, 2008). Plaintiff is warned that this Court will also not tolerate the abuse of its resources and that he may be barred here as well if he continues to file frivolous *in forma pauperis* actions in this Court. See Lau v. Meddaugh, 229 F.3d 121, 123 (2d Cir. 2000); see also Hong Mai Sa v. Doe, 406 F.3d 155, 158 (2d Cir. 2005); 28 U.S.C. § 1651(a).

Conclusion

Accordingly, the complaint, filed *in forma pauperis*, is dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Digitally signed by
Brian M. Cogan

U.S.D.J.

Dated: Brooklyn, New York
October 31, 2013

