

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

-----X
TARZIA QUARLES,

Plaintiff,

-against-

WAYNE MURPHY, Chief Director; RUSSELL JONES, FBI Director; CHRISTOPHER, FBI Director; JOHN BRENNAN, FBI Director; and JAMES CLAPPER, FBI Director,

Defendants.
-----X

ANN M. DONNELLY, District Judge:

MEMORANDUM AND ORDER

17-CV-76 (AMD)

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ MAR 06 2016 ★

BROOKLYN OFFICE

Tarzia Quarles filed this *pro se* action on January 3, 2017. Her request to proceed *in forma pauperis* is granted for the limited purpose of this Order, but, for the reasons set forth below, the action is dismissed.

BACKGROUND

The plaintiff brings this complaint against five individuals identified as directors at the Federal Bureau of Investigations (“FBI”), as well as other “anonymous” defendants. (Compl. at 2-3.)¹ She alleges that, since June of 2006, the defendants have “continuously” violated her Fourth Amendment rights in the following ways: “(1) spying on [her] with civilian cameras on the streets, (2) wiretapping [her] phone, (3) using an audio device to listen to [her] in [her] apartment.” (*Id.* at 7.) She further alleges that these rights violations have been discriminatory in nature. (*Id.* at 9.) She requests that the government “take the audio device off of [her] and stop invading [her] privacy in wiretapping phone music plus following [her] in lots of other personal things.” (*Id.* at 10.)

¹ The pages of the standard form and the addenda are not consecutively paginated. The Court refers to the numbers assigned by the Electronic Case Filing (“ECF”) System.

DISCUSSION

As plaintiff is proceeding *pro se*, the complaint is held to less stringent standards than pleadings drafted by lawyers, *Erickson v. Pardus*, 551 U.S. 89, 94 (2007), and the court is obliged to construe the pleadings liberally and to interpret them as raising the strongest arguments they suggest, *Pabon v. Wright*, 459 F.3d 241, 248 (2d Cir. 2006). If a liberal reading of the complaint “gives any indication that a valid claim might be stated,” the court must grant leave to amend the complaint. *See Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000) (internal quotation marks and citation omitted).

A district court shall dismiss an *in forma pauperis* action where the court determines that the action “(i) is frivolous or malicious; (ii) fails to state a claim upon which relief may be granted; or (iii) seeks monetary 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 quotations and citations omitted). “[A] finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992).

The plaintiff does not support her claims of constant FBI surveillance with any specific factual allegations. I find that her assertions of audio and video monitoring “rise to the level of the irrational or the wholly incredible.” *Denton*, 504 U.S. at 33. Accordingly, the action “is frivolous or malicious” and must be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

CONCLUSION

For the reasons set forth above, the plaintiff's complaint is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). The Clerk of Court is respectfully directed to enter judgment and close this case.

SO ORDERED.

s/Ann M. Donnelly

Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
March 6, 2017