

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

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DEMETRIUS RYAN MORALES,

Plaintiff,

MEMORANDUM AND ORDER

-against-

17-CV-1687 (LDH)

UNITED STATES OF AMERICA and NEW YORK
STATE CITY,

Defendants.

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LASHANN DEARCY HALL, United States District Judge:

Plaintiff Demetrius Ryan Morales filed the above-captioned *pro se* action on March 27, 2017. Plaintiff's 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

Plaintiff alleges that his right to privacy has been violated for more than twenty years. (Compl. at 4, ECF No. 1.) Plaintiff alleges that he “[does not] know who in the US government placed a illegal satellite serveillance on me but its in orbit in space and is on me still presently” [*sic*]. (*Id.*) He alleges that this surveillance took place in New York City and when he was incarcerated in upstate New York. (*Id.* at 5.) Plaintiff further alleges that “the public can see my five senses they can see, smell, hear, taste and feel my life force energy.” (*Id.*) He claims that “the government has recordance [*sic*] of everything I ever done all the way down to my birth.” (*Id.*) He further claims that his personal information, including bank account number and social security number, are “exposed to the public.” (*Id.*) Plaintiff seeks injunctive relief and damages. (*Id.* at 6.)

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 that 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. *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000) (internal quotation marks and citation omitted).

An *in forma pauperis* action shall be dismissed 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)(i)-(iii). 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).

Plaintiff’s claims of constant satellite surveillance and exposure of his personal information and “life force energy,” are unsupported by any specific factual allegations and “rise to the level of the irrational or the wholly incredible.” *Id.* Accordingly, the Court finds that the allegations are baseless and therefore dismisses them pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

CONCLUSION

For the reasons set forth above, the 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 directed to enter judgment and close this case.

SO ORDERED.

/s/ LDH
LASHANN DEARCY HALL
United States District Judge

Dated: Brooklyn, New York
June 14, 2017