

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

GUS WHO INK,

Plaintiff,

v.

U.S. GOVERNMENT,

Defendant.

MOSMAN, J.,

No. 3:17-cv-00830-MO

OPINION AND ORDER

Pro se Plaintiff Gus Who Ink filed a Complaint [2] against the “U.S. Government et al.” based on his assertion that he predicted an earth quake and now seeks to stop all fracking in the Oklahoma area. Plaintiff Who also filed an Application to Proceed *in forma pauperis* [1].

Plaintiff’s Application to Proceed *in forma pauperis* is GRANTED. But for the reasons set forth below, Plaintiff’s Complaint is DISMISSED without service of process.

DISCUSSION

Under 28 U.S.C. § 1915(e)(2)(B)(ii), a complaint filed *in forma pauperis* must be dismissed before service of process if it fails to state a claim on which relief may be granted.

The plaintiff must allege “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *see also, Ashcroft v. Iqbal*, 556

U.S. 662, 678 (2009). Thus, the complaint must contain “well-pleaded facts” that “permit the court to infer more than the mere possibility of misconduct.” *Iqbal*, 556 U.S. at 679.

Here, the face of the Complaint fails to allege sufficient facts to state a cause of action that is plausible on its face. Mr. Who also fails to show he has standing to bring his claims against the U.S. Government and that the U.S. Government has waived its sovereign immunity. Thus, I GRANT the Application to Proceed *in forma pauperis* [1], but I DISMISS the Complaint [2] without service of process.

IT IS SO ORDERED.

DATED this 19th day of June, 2017.

/s/ Michael W. Mosman

MICHAEL W. MOSMAN
Chief United States District Judge