

United States District Court  
Southern District of Texas

**ENTERED**

April 27, 2017

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

CHRISTOPHER SANDERS,  
(Reg. #62316-066)  
Plaintiff,

vs.

UNITED STATES OF AMERICA,  
  
Defendant.

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CIVIL ACTION H-17-1110

**MEMORANDUM ON DISMISSAL**

Christopher Sanders, an inmate of FCI McDowell, sued in April 2017, alleging civil rights violations resulting from a failure to protect his safety. Sanders, proceeding pro se, sued the United States of America.

The threshold issue is whether Sanders’s claims should be dismissed as frivolous. The court concludes that Sanders’s claims lack merit and should be dismissed for the reasons stated below. Sanders states that while confined at FCI Gilmer in West Virginia, he met a few inmates from Texas. Sanders states that those inmates were very sick and need help. Sanders wishes to learn the identity of the inmate who was housed in his cell. Sanders states that he is originally from Philadelphia, Pennsylvania, and his father’s family is from Dallas, Texas. Sanders alleges that the food from Texas is causing him to get high. Sanders states that he is looking for Shaw Carter, J.Z. from Rock Nation, Beyonce Knowles, and Solange Knowles. Sanders asks, “where did all the sex pictures come from in the fake songs in mag. I need answers.”

Sanders states that in December 2016, he sent a greeting card to a star named Kelly Rowland. Sanders alleges that the card came from FCI Berlin. Sanders contends that Rowland and Knowles

are at FCI Berlin, and Carter is the boss. He asks that the West Virginia Clerk of Court to stay away from him until he completes his section 2255 motion. Sanders asks that the court assist him in identifying the inmates from Texas.

A federal court has the authority to dismiss a complaint in which the plaintiff is proceeding *in forma pauperis* before service if the court determines that it is frivolous. 28 U.S.C. § 1915(e)(2)(B)(i). A complaint is frivolous if it lacks an arguable basis in law or fact. *See Denton v. Hernandez*, 504 U.S. 25, 31 (1992); *Richardson v. Spurlock*, 260 F.3d 495, 498 (5th Cir. 2001) (citing *Siglar v. Hightower*, 112 F.3d 191, 193 (5th Cir. 1997)). “A complaint lacks an arguable basis in law if it is based on an indisputably meritless legal theory, such as if the complaint alleges the violation of a legal interest which clearly does not exist.” *Davis v. Scott*, 157 F.3d 1003, 1005 (5th Cir. 1998) (quoting *McCormick v. Stalder*, 105 F.3d 1059, 1061 (5th Cir. 1997)). A claim is factually frivolous when “the facts alleged are ‘fantastic or delusional scenarios’ or the legal theory upon which a complaint relies is ‘indisputably meritless.’” *Harris v. Hegmann*, 198 F.3d 153, 156 (5th Cir. 1999); *see also Denton v. Hernandez*, 504 U.S. 25, 32 (1992). Sanders does not present a logical set of facts to support any claim for relief. Instead, his complaint presents fantastic allegations which are fanciful and delusional in nature. Dismissal is warranted under these circumstances.

Sanders’s motion to proceed in forma pauperis, (Docket Entry No. 2), is GRANTED. The action filed by Christopher Sanders (Reg. #62316-066) lacks an arguable basis in law. His claims are DISMISSED with prejudice under 28 U.S.C. § 1915(e)(2)(B)(i). Any remaining pending motions are DENIED as moot.

The Clerk will provide a copy of this order by e-mail to the District Clerk for the Southern

District of Texas, Attention: Manager of the Three-Strikes List at Three\_Strikes@txs.uscourts.gov.

SIGNED at Houston, Texas, on April 27, 2017.



VANESSA D. GILMORE  
UNITED STATES DISTRICT JUDGE