
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

MOMAR MBERGAN,

Plaintiff,

v.

SAIHOU MBERGAN, et al.,

Defendants.

**MEMORANDUM DECISION AND
ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:17-cv-01178

District Judge Dale A. Kimball

This case was referred to Magistrate Judge Dustin Pead by District Judge Dale Kimball pursuant to 28 U.S.C. § 636(b)(1)(B). On April 11, 2018, Magistrate Judge Pead issued a Report and Recommendation, recommending that the court dismiss this case as frivolous under 28 U.S.C. §1915(e)(2)(B)(i). On April 23, 2018, Plaintiff filed an objection to Magistrate Judge Pead's Report and Recommendation reiterating that he is being unlawfully experimented on by the United States' Government.

A Magistrate Judge's Report and Recommendation is subject to *de novo* review by this court. *See* 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b). The court has reviewed the record *de novo* with respect to the present motion.

In his objection, Plaintiff does not specifically address the analysis in Magistrate Judge Pead's Report and Recommendation. Rather, he continues to argue that he has an aura that gives his blood "Astral Healing" properties. The Plaintiff further argues in his objection that he is being attacked by high powered lasers.

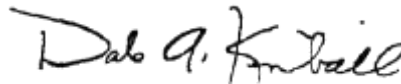
After conducting a *de novo* review of the record with respect to the motion and considering Plaintiff's objections to the Report and Recommendation, the court finds no basis for reversing or modifying the Report and Recommendation. The court agrees that the Plaintiff's

claims are legally frivolous under 28 U.S.C. §1915(e)(2)(B)(i) because the factual allegations describe fantastic or delusional scenarios.

The court therefore ADOPTS and AFFIRMS Magistrate Judge Pead's Report and Recommendation. (Dkt. No. 23). Accordingly, the Plaintiff's Motion to Seal Case (Dkt. No. 14), Motion for Default Judgment and Permanent Injunction (Dkt. No. 20), and Motion to Change Venue (Dkt. No. 22) are DENIED. Plaintiff's case is DISMISSED as frivolous.

Dated this 24th day of April, 2018.

BY THE COURT:

A handwritten signature in black ink that reads "Dale A. Kimball". The signature is written in a cursive style with a horizontal line underneath it.

DALE A. KIMBALL,
United States District Judge