

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
John F. Corcoran
JAN 25 2006
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ADRIAN BURL CARTER,)
)
Plaintiff,)
)
v.)
)
VIRGINIA DEPT. OF)
SOCIAL SERVICES,)
)
Defendant.)

Civil Action No. 5:06cv0001D

MEMORANDUM OPINION

By: Samuel G. Wilson
United States District Judge

Plaintiff Adrian Burl Carter, proceeding pro se, brings this action against the Virginia Department of Social Services (DSS), claiming, among other things, that DSS “kidnaps children,” “[d]rugs them, with listed drugs, to keep them under control like slaves,” and is “[d]oing business as a drug cartel.” Carter seeks to proceed in forma pauperis (IFP) and seeks an injunction to prevent future kidnappings. Having considered Carter’s complaint, the court will grant Carter IFP status; however, for the reasons stated, the court dismisses Carter’s action pursuant to the court’s inherent power to sua sponte dismiss factually or legally frivolous claims. See 28 U.S.C. § 1915(e)(2)(B) (stating that a court may “at any time” dismiss an in forma pauperis claim if the action “is frivolous or malicious”).

I.

Carter claims that DSS kidnaps children and then attempts to extort money from the parents. He alleges that DSS is neglectful and does not provide “personal clothing or even soap to their female charges.” He also claims that DSS is performing “uncontrolled drug experiments on our kids” and is operating a drug cartel. Carter contends that DSS took three children (two boys and one

girl) from their mother on Feb. 14, 2005, and that, though the two boys have returned to their mother, the girl has not. Carter claims that several of the drugged young women in DSS care have gone to mental hospitals. In addition, Carter wants to “find out if they [the young women in DSS care] are still virgins.”

Carter has not alleged any basis for standing to bring this action. He does not claim that DSS has kidnapped his children nor does he assert that he is otherwise involved with these allegations. Carter also has not provided any legal basis for his claim.¹

II.

A district court has the authority to sua sponte dismiss an action if it determines the action to be factually or legally frivolous. See Fitzgerald v. First East Seventh Street Tenants Corp., 221 F.3d 362, 363-64 (2d Cir. 2000); Rosser-El v. United States, 2002 WL 32361842 (D. Md.), *aff'd*, 50 Fed.Appx. 111, 2002 WL 31476925 (4th Cir.) (unpublished). Carter’s claims are fantastic and patently frivolous, both factually and legally. Accordingly, the court dismisses Carter’s claims.

III.

For the reasons stated herein, the court hereby dismisses Carter’s claims without prejudice.

ENTER: This 25th day of January, 2006.


UNITED STATES DISTRICT JUDGE

¹Carter claims to bring this action under the “Mann Act.” The Mann Act is currently codified in 18 U.S.C. § 2421, which is a criminal statute that renders illegal the knowing transportation of “any individual in interstate or foreign commerce . . . with intent that such individual engage in prostitution.” The statute does not provide for a private civil cause of action. Moreover, even if it did, Carter’s claims are frivolous.