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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SPACEMAN O. AAINFINITY,

Plaintiff,

v.

BANK OF AMERICA, et al.,

Defendants.

CASE NO. C10-1741JLR

ORDER OF DISMISSAL WITH
PREJUDICE

On October 27, 2010, Plaintiff Spaceman O. Aainfinity, filed a motion for leave to proceed in forma pauperis (Dkt. # 1), along with a complaint against Defendants Bank of America, Harborview Medical Center, the Central Intelligence Agency (“CIA”), and the Federal Bureau of Investigation (“FBI”) (Dkt. ## 1 & 3). On October 28, 2010, the United States Magistrate Judge granted Mr. Aainfinity’s motion for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a). (Order (Dkt. # 2).) Upon granting such a request, the court must also screen the complaint pursuant to 28 U.S.C. § 1915(e)(2), and does so here.

1 Federal courts “shall dismiss” a case if the court finds that the complaint is “(i)
2 frivolous or malicious; (ii) fails to state a claim upon which relief may be granted; or (iii)
3 seeks monetary relief from a defendant who is immune from such relief.” 28 U.S.C. §
4 1915(e)(2)(B). A complaint may be dismissed as frivolous under § 1915(e)(2)(B) “where
5 it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325
6 (1989), *superseded on other grounds as stated in Lopez v. Smith*, 203 F.3d 1122, 1126-27
7 (9th Cir. 2000). “[A] court is not bound, as it usually is when making a determination
8 based solely on the pleadings, to accept without question the truth of plaintiff’s
9 allegations,” but must “pierce the veil of the complaint’s factual allegations” to determine
10 if the claims are “fanciful, fantastic and delusional,” or if they “rise to the level of the
11 irrational or wholly incredible whether or not there are judicially noticeable facts
12 available to contradict them.” *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992) (internal
13 quotation marks and citations omitted).

14 Under the standards set forth above, Mr. Aainfinity’s complaint is legally
15 insufficient. As best as the court can determine, Mr. Aainfinity has sued Bank of
16 America, Harborview Medical Center, the CIA and the FBI alleging some sort of
17 conspiracy related to overdraft charges allegedly recorded by Bank of America on Mr.
18 Aainfinity’s bank account. Mr. Aainfinity alleges that numerous other entities or
19 individuals are also involved, although it is not clear how, including “the Mormon church
20 and its members,” his landlord’s daughter, his former employer, two other hospitals, a
21 medical center, and a law firm. (Compl. at 2.)
22

1 Mr. Aainfinity alleges that Bank of America “has corrupted [his] account for the
2 purpose of earning overdraft fees or in another word overdraft charges.” (*Id.* at 3.)

3 Beyond this statement, it is difficult to discern many of Mr. Aainfinity’s specific factual
4 allegations. For example, he alleges as follows:

5 The technologies that has more highly advanced software
6 which usually used by most or all of the banks computers
7 have access to adjust any information by a banking officer
8 regardless of automated computer that usually monitor and
9 assist the transaction of the customers without any error. In
10 another word that the digital technologies cannot corrupt
11 itself specially involving digital numbers unless it was caused
12 by a technical malfunction.

13 (*Id.*)

14 Mr. Aainfinity also alleges that every time he is preparing his case on his
15 computer, “writing court documents and building mathematical structure to prove [his]
16 bank account [has] been corrupted,” an “unknown helicopter” “hover[s] above [his]
17 room.” (*Id.* at 4.) He continues that “unknown individuals” have been talking about him
18 and saying that he will be hurt if he “proceed[s] through this court process to sue bank
19 [sic] of America.” (*Id.*) This has led him to conclude that Bank of America is spying on
20 him. (*Id.*)

21 Mr. Aainfinity also alleges that Harborview Medical Center and other medical
22 care providers are refusing to run medical tests for heavy metal poisoning and otherwise
treat him because they are “being blackmailed by someone.” (*Id.*) He also “strongly
believes” that the FBI or the CIA has been spying on him with regard to all of these
matters, and that doctors have been refusing to run tests and treat him after being

1 | contacted by these agencies. (*Id.* at 5.) Mr. Aainfinity believes that the FBI or the CIA is
2 | spying on him because a former FBI employee warned him of this possibility last year.

3 | (*Id.*) This is also why he believes that either the FBI or the CIA has poisoned him. (*Id.*)
4 | Mr. Aainfinity also alleges that his email account has “been hacked” because he does not
5 | get any return emails from the United Nations or the European Union. (*Id.*)

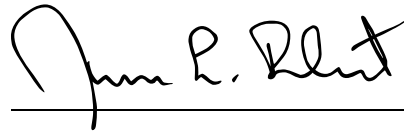
6 | Finally, although she is not a named as a defendant in his lawsuit, Mr. Aainfinty
7 | alleges that his landlord’s daughter has been harassing him and trying to distract him
8 | every time he tries to work on his court case, and has also been threatening to evict him if
9 | he does not stop what he is doing. (*Id.*) He is also concerned about some pictures that
10 | she allegedly took of him for a church magazine, and stories she allegedly told him about
11 | mercury poisoning, and Nazi sympathizers being murdered by the United States
12 | government. (*Id.*)

13 | Taken as a whole, the court finds Mr. Aainfinity’s allegations irrational,
14 | delusional, and wholly incredible. Generally, when dismissing a complaint, “leave to
15 | amend should be granted unless the court determines that the allegation of other facts
16 | consistent with the challenged pleading could not possible cure the deficiency.” *DeSotov.*
17 | *Fellow Frieght Sys., Inc.*, 957 F.2d 655, 658 (9th Cir. 1992) (internal quotations omitted).
18 | In this case, “it is absolutely clear that the deficiencies of the complaint could not be
19 | cured by amendment.” *Franklin v. Murphy*, 745 F.2d 1221, 1228 n.9 (9th Cir. 1984)
20 | (internal quotations omitted).

21 | Therefore, Plaintiff’s complaint is DISMISSED WITH PREJUDICE as fantastic,
22 | delusional and factually frivolous.

1 It is further ORDERED that the clerk shall ENTER JUDGMENT accordingly and
2 close this case.

3 Dated this 9th day of November, 2010.

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6 JAMES L. ROBART
7 United States District Judge
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