

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

REYNALDO TREVINO,

Plaintiff,

v.

UNITED STATES, *et al.*,

Defendant.

OPINION AND ORDER

12-cv-131-wmc

Plaintiff Reynaldo Trevino has filed a civil rights complaint under 42 U.S.C. § 1983. He has not paid the filing fee or requested leave to proceed *in forma pauperis*. Because Trevino was in state custody when he filed the complaint, this case is pending before the court for screening pursuant to 28 U.S.C. § 1915A(b). Under this statute, the court must dismiss the complaint if it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune. 28 U.S.C. § 1915A(b). For reasons set forth briefly below, the court concludes that the complaint must be dismissed because it fails to state a viable claim under this standard.

OPINION

When Trevino filed the complaint in this case, he was in custody of the Wisconsin Department of Corrections at the Wisconsin Resource Center as the result of multiple felony convictions from Winnebago and Sheboygan Counties for battery, reckless endangerment, and use of a dangerous weapon. Trevino contends that he is a descendant of royalty under the “Act to Kingship” and other unspecified rites of passage. Therefore, he asks this court to declare him “King” or “Royal Arch King” and to alert the United States Census Bureau of his status.

In reviewing a *pro se* litigant's complaint under 28 U.S.C. § 1915A(b), the court must read the pleadings generously. *Haines v. Kerner*, 404 U.S. 519, 521 (1972). Nevertheless, a *pro se* complaint is subject to dismissal as frivolous if it lacks an arguable basis in fact or law. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). A complaint lacks an arguable basis in fact when the plaintiff's allegations are so "fanciful," "fantastic," and "delusional" as to be "wholly incredible." *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992) (citing *Neitzke*, 490 U.S. at 325). A claim lacks an arguable basis in law if it is based on "an indisputably meritless legal theory." *Edwards v. Snyder*, 478 F.3d 827, 830 (7th Cir. 2007) (citing *Neitzke*, 490 U.S. at 325).

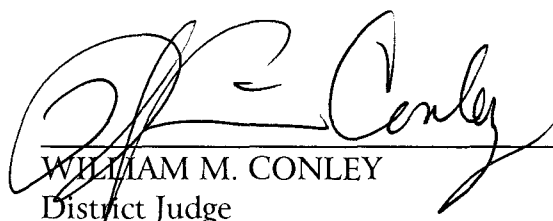
Even under the most liberal interpretation, the complaint in this case fails to state a claim with any basis in fact or law. Because the allegations in this case are fanciful in nature and untethered to any plausible legal theory, *Neitzke*, 490 U.S. at 325, the complaint will be dismissed as frivolous.

ORDER

IT IS ORDERED THAT the civil rights action filed by plaintiff Reynaldo Trevino is DISMISSED with prejudice as both legally and factually frivolous.

Entered this 15th day of October, 2012.

BY THE COURT:


WILLIAM M. CONLEY
District Judge