

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JONATHAN LEE RICHES,	)	No. C 07-3695 MJJ (PR)
	)	
Plaintiff,	)	<b>ORDER OF DISMISSAL</b>
	)	
v.	)	
	)	
CINDY SHEEHAN, NANCY PELOSI,	)	
	)	
Defendants.	)	

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Plaintiff, a federal prisoner proceeding pro se, filed this pro se civil rights complaint pursuant to 42 U.S.C. § 1983 against Cindy Sheehan, an anti-war activist, and Congresswoman Nancy Pelosi.

A federal court must conduct a preliminary screening in any case in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). In its review, the court must identify any cognizable claims and dismiss any claims that are frivolous, malicious, fail to state a claim upon which relief may be granted or seek monetary relief from a defendant who is immune from such relief. See id. § 1915A(b)(1),(2). Pro se pleadings must, however, be liberally construed. See Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1988). To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the alleged violation was committed by a person acting under the color of state law. See West v. Atkins, 487 U.S. 42, 48 (1988).

Sections 1915A and 1915(e)(2) accord judges the unusual power to pierce the veil of

1 the complaint's factual allegations and dismiss as frivolous those claims whose factual  
2 contentions are clearly baseless. See Denton v. Hernandez, 504 U.S. 25, 32 (1992).  
3 Examples are claims describing fantastic or delusional scenarios with which federal district  
4 judges are all too familiar. See Neitzke v. Williams, 490 U.S. 319, 328 (1989). To pierce the  
5 veil of the complaint's factual allegations means that a court is not bound, as it usually is  
6 when making a determination based solely on the pleadings, to accept without question the  
7 truth of the plaintiff's allegations. See Denton, 504 U.S. at 32. A finding of factual  
8 frivolousness is appropriate when the facts alleged rise to the level of the irrational or the  
9 wholly incredible, whether or not there are judicially noticeable facts available to contradict  
10 them. See id. at 32-33.

11 Plaintiff alleges Ms. Sheehan and Ms. Pelosi stole his identity, broke into his prison  
12 cell, used the proceeds to finance Sudanese rebels and aerospace projects, bought a house in  
13 plaintiff's name, joined Al Qaeda, are withholding evidence about the Zodiac Killer, and  
14 conspired with actor Dennis Hopper and baseball player Barry Bonds. Plaintiff further  
15 alleges he is being "microwave tested daily," that Ms. Sheehan put a stick in his bicycle  
16 spokes, and that prison officials have hired robotic prison guards. Plaintiff seeks 199 trillion  
17 dollars in damages. As these allegations clearly baseless, irrational and wholly incredible,  
18 the complaint will be dismissed as frivolous under sections 1915A and 1915(e)(2).

19 For the foregoing reasons, this action is DISMISSED. In light of this dismissal, any  
20 application for leave to proceed in forma pauperis is DENIED and no fee is due.

21 The Clerk shall close the file.

22 IT IS SO ORDERED.

23 DATED: 8/14/2007

  
MARTIN J. JENKINS  
United States District Judge

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