

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

ERIC FLORES,

Plaintiff,

OPINION and ORDER

v.

14-cv-43-bbc¹

UNITED STATES ATTORNEY GENERAL,
UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES and
PUBLIC HEALTH SERVICE NAMED
SIERRA MEDICAL CENTER,

Defendants.

Plaintiff Eric Flores, a Texas resident, has filed this proposed complaint captioned “Federal Tort Complaint Against Torture,” in which he alleges that the federal government is “using advanced technology with a direct signal to the satellite in outerspace that has the capability of calculating a genetic code to cause the petitioner and his immediate relatives severe physical and mental pain.” Plaintiff has also filed a motion to transfer the case to the United States Panel on Multidistrict Litigation. Plaintiff seeks leave to proceed in forma pauperis and has provided an affidavit showing that he has zero annual income, so he qualifies for in forma pauperis status from a financial perspective.

The next step is for the court to screen his complaint and dismiss any portions that are legally frivolous, malicious, fail to state a claim upon which relief may be granted or ask for money damages from a defendant who by law cannot be sued for money damages. Id. In addressing any pro se litigant's complaint, the court must read the allegations of the

¹ I am assuming jurisdiction over the case for the purpose of issuing this order.

complaint generously. McGowan v. Hulick, 612 F.3d 636,640 (7th Cir. 2010). After considering plaintiff's fanciful allegations described above, I will not allow him to proceed on his claim and will instead dismiss the case.

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). Stated another way, a complaint is factually frivolous if its allegations are "bizarre, irrational or incredible." Edwards v. Snyder, 478 F.3d 827, 829 (7th Cir. 2007) (citations omitted). Plaintiff's allegations that the government is using a satellite to torture him and his family meet this standard. In addition, I note that a number of other courts have dismissed similar complaints from plaintiff on the same ground. E.g., Flores v. United States Attorney General, No. 12-cv-575-BLW (D. Id. Oct. 28, 2013); Flores v. United States Attorney General, No. 13-cv-284-JPS (E.D. Wis. Mar. 18, 2013); Flores v. United States Attorney General, No. 12-cv-1682-SEB-DKL (S.D. Ind. Dec. 6, 2012). Accordingly, I will dismiss this case as frivolous. Plaintiff's motion to transfer the case will be denied as moot.

Moreover, in anticipation of future complaints from plaintiff, I will direct the clerk of court to route directly to chambers any further pleadings plaintiff files in this court. If the pleading suffers from the same problems as the present cases, the pleading will be deemed dismissed without order and given no further consideration. E.g., Alexander v. U.S., 121 F.3d 312, 315 (7th Cir. 1997) (sanction "will reduce the burden of paper-moving and explanation-writing, conserving . . . judicial time for litigants who deserve attention"). If

plaintiff's complaint does not contain obviously fanciful allegations, I will formally screen the complaint.

ORDER

IT IS ORDERED that

1. Plaintiff Eric Flores is DENIED leave to proceed on any claim and this case is DISMISSED as frivolous.

2. Plaintiff's motion to transfer the case, dkt. #2, is DENIED as moot.

3. The clerk of court is directed to enter judgment in favor of defendants and close this case.

4. The clerk of court is directed to send any future complaints filed by plaintiff directly to chambers, as explained above.

Entered this 25th day of March, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge