

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

RICKY JAMES NOVAK,

Petitioner,

OPINION
AND
ORDER

3:08-cv-0067-bbc

v.

COUNTER LAWSUITS AGAINST ANY CASES
IN WISCONSIN THAT HAVE WON CASES AGAINST
THE CATHOLIC PRIESTHOOD FOR ANY TYPES OF
SEXUAL MISCONDUCT,

Respondent.

This is a proposed civil action for injunctive relief. Petitioner, a resident of Madison, Wisconsin, seeks leave to proceed without prepayment of fees and costs or providing security for such fees and costs, pursuant to 28 U.S.C. § 1915. From the affidavit of indigency accompanying petitioner's proposed complaint, I conclude that petitioner is unable to prepay the fees and costs of instituting this lawsuit.

In addressing any pro se litigant's complaint, the court must construe the complaint liberally, Haines v. Kerner, 404 U.S. 519, 521 (1972). The court will grant leave to proceed

if there is an arguable basis for a claim in fact or law. Neitzke v. Williams, 490 U.S. 319 (1989).

The text of petitioner's complaint is as follows:

I am counter suing these on the evidence, that I will explain here under Evidence, to be brought before the court or viewed by some withing the Judge(s') chamber, with prove of evidence the possibility of Lying, bribery, blackmail, ect, as well sexual enticement, or seduction, by proof of the Evidence. First of all, what I seek in support of winning cases is the monies in whole returned to the Catholic "church: and because of public deflamation of said, that a public known apoyligy is included. One more thing, you will be able to understand wiether priest is considered deceased or living it does not matter, as well by evidence you will not have to worry wiether defendants have amnesia, or cannot account details or such, or clack outs. Evidence "method" next page

Evidence: By having defendant draw a small Line with a pencil or pen, in the same way of thinking of signing there name keeping there thoughts on the events of the times the actions were proceded. After this is done, then the markings "Line" is blown up, in the same way as photographs, and in the same way as a phonograph needle or cd player picks up the engraved vocals, the "Line" markings echos are heard of conversation and thought voice echos of that which is placed together to have a memory movie of the events of defendants Life at the time said, actions had happened.

His request for relief reads: "Explained in B. Cause of action papers included, within this form."

It is appropriate to dismiss a complaint for lack of subject matter jurisdiction where the claims are "so insubstantial, implausible, foreclosed by prior decisions of [the United

States Supreme Court], or otherwise completely devoid of merit as not to involve a federal controversy.” Steel Company v. Citizens for a Better Environment, 118 S. Ct. 1003, 1010 (1998)(citing Oneida Indian Nation of N.Y. v. County of Oneida, 414 U.S. 661, 666 (1974)). Petitioner's complaint is almost entirely unintelligible. It appears he believes that Catholic priests have been wrongfully accused of sexual misconduct and that he is in a position to gain some sort of justice by filing a “counter suit.” Setting aside the facts that he has sued a non-entity and that his standing to raise a claim for money damages on behalf of the Catholic church is completely unapparent, his complaint is otherwise so devoid of substantiating facts and implausible that it must be dismissed for lack of subject matter jurisdiction. Id.; Lee v. Clinton, 209 F.3d 1025 (7th Cir. 2000) (in forma pauperis statute not intended to promote frivolous claims).

ORDER

IT IS ORDERED that petitioner's request for leave to proceed in forma pauperis is DENIED.

Entered this 12th day of February, 2008.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge