

**In the United States Court of Federal Claims**

No. 11-572C

(Filed: February 16, 2012)

**FILED**

FEB 16 2012

**U.S. COURT OF  
FEDERAL CLAIMS**

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SAM FRANKLIN THOMAS,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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**ORDER OF DISMISSAL**

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This matter comes before the Court on Defendant’s motion to dismiss Plaintiff’s complaint under 28 U.S.C. § 1915 (2006) and Rules 12(b)(1) and 12(b)(6) of the Rules of the United States Court of Federal Claims (“RCFC”). Plaintiff’s complaint alleges several instances of copyright infringement, including one claim previously dismissed by the Court of Federal Claims on two occasions. Thomas v. United States, 60 Fed. App’x 279 (Fed. Cir. 2003) (per curiam) (affirming dismissal for failure to state a claim upon which relief could be granted), cert. den’d 540 U.S. 902 (2003); Thomas v. United States, 245 Fed. App’x 18 (Fed. Cir. 2007) (per curiam) (affirming dismissal of complaint based on res judicata). For the reasons discussed below, the Court dismisses Plaintiff’s complaint as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i) (2006).

**Background**

Plaintiff, acting pro se and filing in forma pauperis, seeks money damages for alleged infringements of his intellectual property under 28 U.S.C. § 1498(b) (2006). In a largely unintelligible complaint, Plaintiff appears to assert that a litany of federal agencies, officers, and judges, as well as various corporations, private individuals, and elected officials, have infringed on copyrights and “patents pending” including a “night vision snaperscope rifle and machine gun (corrected len lasik),” a “night vision octopuscope machine gun (corrected len lasik) (eye glass wears),” a “Laser Gun Revolver hand-gun,” a “skin memory patch,” and a “Dr. Martin Luther King postal Card.” Compl. 1, 3. Plaintiff also appears to allege a conspiracy to smuggle “nuclear machine Guns with nuclear Bullets.” Compl. 3. According to Plaintiff, the conspiracy is masterminded by an individual with “Alien names” including “Lucifer, Devil, Satan, The

Serpent of Old in the Book of Genesis, Beelzebug the Ruler of Demons, Abonmadon in the Book of Revelation, and Appollyan also in the book of Revelation.” Id.

Plaintiff avers that damages resulting from the alleged infringements amount to “\$1201,Zillion,\$400-Trillion, 6-Billion Dollars,” equal to the “life time value worth for the (Sand(s) Lands Property(ies) RealEstates” combined with “all other Global Partnership of Weath of the (Sands Milk Shake, Sand(s) Home Heating Oil, Gas; its Mineral such as Diamonds, Gold, Coal, Plasmon, unraium, Platonium.” Id.

By order dated January 18, 2012, the Court accepted for a filing a 41-page submission from Plaintiff including drawings, maps, selections from reference books and the Bible, police reports, receipts from the United States District Court for the Eastern District of Michigan, a resume, filings declaring Plaintiff’s candidacy for President of the United States, and several pages of unintelligible, hand-written notes.

### Discussion

Because “a litigant whose filing fees and court costs are assumed by the public, unlike a paying litigant, lacks an economic incentive to refrain from filing frivolous, malicious, or repetitive lawsuits,” claims brought in forma pauperis are subject to a preliminary screening. Neitzke v. Williams, 490 U.S. 319, 324 (1989). If a plaintiff is authorized to proceed in forma pauperis, 28 U.S.C. § 1915(e)(2)(B)(i) provides that “[n]otwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that the action or appeal is frivolous or malicious.”

A claim is factually frivolous only if the facts alleged are “clearly baseless,” a category encompassing allegations that are “fanciful,” “fantastic,” and “delusional.” Denton v. Hernandez, 504 U.S. 25, 32-33 (1992) (citing Neitzke, 490 U.S. at 325-28). “[A] finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them.” Id. at 33; see also McLean v. United States, 566 F.3d 391, 399 (4th Cir. 2009) (“Examples of frivolous claims include those whose factual allegations are ‘so nutty,’ ‘delusional,’ or ‘wholly fanciful’ as to be simply ‘unbelievable.’”) (quoting Gladney v. Pendleton Corr. Facility, 302 F.3d 773, 774 (7th Cir. 2002)).

Here, Plaintiff’s factual allegations -- involving fantastical weaponry, nonsensical damages, and a colorful cast of unrelated public figures and biblical demons -- are plainly frivolous. See Gallop v. Cheney, 642 F.3d 364, 368 (2d Cir. 2011), reh’g denied, 645 F.3d 519 (2d Cir. 2011) (upholding dismissal of claim as frivolous where plaintiff alleged that “the most senior members of the United States government conspired to commit acts of terrorism against the Untied [sic] States”); Mendes v. United States, 88 Fed. Cl. 759, 762 (2009) (dismissing as frivolous claim that the CIA and the FBI were using “fanatical women to further their goals” through “laser beam technology”).

**Conclusion**

Defendant's motion is **GRANTED**. Plaintiff's complaint is **DISMISSED** as frivolous.

Upon consideration of Plaintiff's history of duplicative and nonsensical submissions, the Court deems Plaintiff's filing wasteful and directs the Clerk of the Court to not accept for filing any future complaints or submissions by Plaintiff concerning the claims at issue in this order, nor shall Defendant be obligated to respond to such filings.

  
MARY ELLEN COSTER WILLIAMS  
JUDGE