

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 18-2688

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ASIA JOHNSON,  
Appellant

v.

GERMAN AEROSPACE CENTER

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On Appeal from the United States District Court  
for the Western District of Pennsylvania  
(D.C. Civil Action No. 2:18-cv-00899)  
District Judge: Honorable Mark R. Hornak

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Submitted Pursuant to Third Circuit LAR 34.1(a)  
October 4, 2018  
Before: SHWARTZ, KRAUSE and FUENTES, Circuit Judges  
  
(Opinion filed: October 5, 2018)

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OPINION\*

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PER CURIAM

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\* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

Asia Johnson, proceeding pro se and in forma pauperis, appeals from the District Court's order dismissing her complaint for failure to state a claim. For the reasons detailed below, we will affirm.

Johnson sued defendant German Aerospace Center for allegedly creating an artificial sun, which, she asserted, blocks the rays of the “real” sun. Johnson claimed that this artificial sun brought on a heatwave that caused her to “almost pass[] out” on July 4, 2018, and killed 33 people in Canada. Compl. at 5. Among other damages, she sought the return of “real” sunlight. The District Court granted Johnson’s request to proceed in forma pauperis, concluded that Johnson had failed to state a claim for relief, and dismissed the complaint with prejudice under 28 U.S.C. § 1915.

We have jurisdiction pursuant to 28 U.S.C. § 1291. We review an order dismissing a complaint pursuant to 28 U.S.C. § 1915 for failure to state a claim under the same de novo standard of review that we use to review an order dismissing a complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). See generally Allah v. Seiverling, 229 F.3d 220, 223 (3d Cir. 2000). “To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)). Although pro se pleadings are held to “less stringent standards than formal pleadings drafted by lawyers,” Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam), “pro se litigants still must allege sufficient facts in their complaints to support a claim,” Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 245 (3d Cir. 2013).

We agree with the District Court that Johnson failed to state a claim on which relief could be granted under 28 U.S.C. § 1915. Johnson sued the defendant on the grounds that the defendant had created “the world’s largest artificial sun blocking the real sun” and thereby caused a heat wave. These allegations simply do not state a plausible claim for relief. See Iqbal, 556 U.S. at 679 (“Determining whether a complaint states a plausible claim for relief will . . . be a context-specific task that requires the reviewing court to draw on its judicial experience and common sense.”); cf. Denton v. Hernandez, 504 U.S. 25, 33 (1992) (ruling that a court may dismiss a complaint when the facts alleged are “wholly incredible”).<sup>1</sup>

Accordingly, we will affirm the judgment of the District Court.

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<sup>1</sup> The District Court did not err in dismissing Johnson’s complaint without giving her an opportunity to amend because it is clear from her filings that amendment would have been futile. See Grayson v. Mayview State Hosp., 293 F.3d 103, 108 (3d Cir. 2002).

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**JUDGMENT**

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This cause came to be considered on the record from the United States District Court for Western District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a) on October 4, 2018. On consideration whereof, it is now hereby ORDERED and ADJUDGED by this Court that the judgment of the District Court entered July 23, 2018, be and the same is hereby affirmed. Costs will not be taxed. All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Patricia S. Dodszuweit  
Clerk

Dated: October 5, 2018



Teste: *Patricia S. Dodszuweit*  
Clerk, U.S. Court of Appeals for the Third Circuit

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

ASIA JOHNSON, )  
v. )  
Plaintiff, ) ) No. 2:18-cv-00899  
GERMAN AEROSPACE CENTER, ) ) Judge Mark R. Hornak  
Defendant. ) )

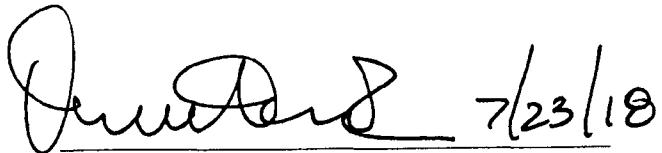
**MEMORANDUM ORDER**

The Plaintiff seeks *in forma pauperis* status, and seeks to assert a claim against the “German Aerospace Center” for its alleged actions in creating an artificial Sun which has blocked out the rays of the “real” Sun, causing her to “almost pass[] out” on July 4, 2018, and killing 33 unidentified people from the allegedly resulting heatwave. The only relief she seeks is the return of “real” sunlight to the Earth.

The Motion for *in forma pauperis* status is granted. The Court has carefully reviewed and considered the matter, as it must, pursuant to 28 U.S.C. § 1915, and concludes that the Plaintiff does not state a claim for relief, as she makes no showing of a right to recovery or relief that is at all plausible as that term is used under federal law, nor in the circumstances pled, can she do that upon amendment. Further, the nature of the relief sought is beyond the substantial remedial powers of this federal court.

Therefore, the Motion for *in forma pauperis* status is GRANTED, and the case is DISMISSED with prejudice and without leave to amend. The Clerk will close the case.

So ordered



7/23/18

Mark R. Hornak  
United States District Judge

cc: All counsel of record

**Additional material  
from this filing is  
available in the  
Clerk's Office.**