

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-5223

September Term, 2018

1:18-cv-01163-UNA

Filed On: April 1, 2019

Charles Randall Harrison,

Appellant

v.

Raul Maldenado, Secretary of the Treasury,
et al.,

Appellees

BEFORE: Henderson and Rogers, Circuit Judges; Sentelle, Senior Circuit
Judge

ORDER

Upon consideration of the petition for rehearing, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Ken Meadows
Deputy Clerk

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-5223

September Term, 2018

1:18-cv-01163-UNA

Filed On: February 11, 2019

Charles Randall Harrison,

Appellant

v.

Raul Maldenado, Secretary of the Treasury,
et al.,

Appellees

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BEFORE: Henderson and Rogers, Circuit Judges; Sentelle, Senior Circuit
Judge

JUDGMENT

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief, appendix, and supplements filed by the appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's order filed May 31, 2018 be affirmed. The district court properly dismissed the appellant's case as frivolous. See Denton v. Hernandez, 504 U.S. 25, 33 (1992); Neitzke v. Williams, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915A (permitting immediate dismissal of frivolous claims).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk

FILED

MAY 31 2018

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

United States District Court
for the District of Columbia

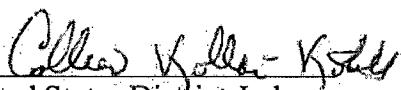
Charles Randall Harrison,)
Plaintiff,)
Raul Maldonado *et al.*,)
Defendants.)
Civil Action No. 18-1163 (UNA)

ORDER

For the reasons stated in the accompanying Memorandum Opinion, it is
ORDERED that plaintiff's application to proceed *in forma pauperis* [Dkt. # 2] is
GRANTED; and it is further

ORDERED that pursuant to 28 U.S.C. § 1915A(b)(1), the complaint and this case are
DISMISSED with prejudice as frivolous.¹

This is a final appealable Order.


United States District Judge

Date: May 31, 2018

¹ Plaintiff is advised that this frivolous dismissal operates as a strike under 28 U.S.C. § 1915(g), which limits a prisoner's ability to proceed *in forma pauperis* in federal court when certain conditions are satisfied.

FILED

MAY 31 2018

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

Charles Randall Harrison,)	
)	
Plaintiff,)	
)	Civil Action No. 18-1163 (UNA)
)	
Raul Maldonado <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION

Plaintiff is a prisoner currently incarcerated at the Federal Medical Center in Lexington, Kentucky. Appearing *pro se*, plaintiff has submitted an application to proceed *in forma pauperis* and a “Civil and Equitable Complaint for Illegal Conversion, Fraud, Replevin, and Subrogation Under the Court’s Admiralty and Equitable Jurisdictions.” For the reasons explained below, the *in forma pauperis* application will be granted and this case will be dismissed pursuant to 28 U.S.C. § 1915A, which requires immediate dismissal of a prisoner’s complaint that, among other enumerated grounds, is frivolous.

Plaintiff has sued Secretary of Treasury of Puerto Rico Raul Maldonado and the United States. He purports to “state a claim of Subrogation, . . . illegal conversion, [and] replevin in the amount of \$8,402,439.28.” Compl. at 1. Plaintiff identifies himself as “Civil Executor” who is bringing a claim against the “United States Inc. . . . a Bankrupt Corporation.” *Id.* at 1-2.

A complaint, such as this, that lacks “an arguable basis either in law or in fact” may be dismissed as frivolous. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Moreover a “finding of factual frivolousness is appropriate when [as here] the facts alleged rise to the level of the

irrational or the wholly incredible[.]” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). The instant complaint is simply impossible to comprehend, and the Court foresees no possibility of a cure. As a result, this case will be dismissed with prejudice. *See Firestone v. Firestone*, 76 F.3d 1205, 1209 (D.C. Cir. 1996) (A dismissal with prejudice is warranted upon determining “that ‘the allegation of other facts consistent with the challenged pleading could not possibly cure the deficiency.’”) (quoting *Jarrell v. United States Postal Serv.*, 753 F.2d 1088, 1091 (D.C. Cir. 1985) (other citation omitted)). A separate order accompanies this Memorandum Opinion.

Date: May 31, 2018

Charles R. Youngblood
United States District Judge