UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 19-3569

Dominique R. Taylor

Plaintiff - Appellant

v.

Corporation Worldwide

Defendant - Appellee

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:19-cv-03088-JCH)

JUDGMENT

Before COLLOTON, ERICKSON and KOBES, Circuit Judges.

The court has reviewed the original file of the United States District Court. Appellant's application to proceed in forma pauperis is granted.

It is ordered by the court that the judgment of the district court is summarily affirmed. See Eighth Circuit Rule 47A(a).

February 24, 2020

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DOMINIQUE R. TAYLOR,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:19-cv-03088-JCH
	)	
CORPORATION WORLDWIDE,	)	
	)	
Defendant.	)	

MEMORANDUM AND ORDER

This matter is before the Court on the motion of plaintiff Dominique R. Taylor for leave to commence this civil action without prepayment of the required filing fee. (Docket No. 2). Having reviewed the motion, the Court finds that it should be granted. *See* 28 U.S.C. § 1915(a)(1). Additionally, for the reasons discussed below, plaintiff's complaint will be dismissed as frivolous.

Legal Standard on Initial Review

Under 28 U.S.C. § 1915(e)(2), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. To state a claim, a plaintiff must demonstrate a plausible claim for relief, which is more than a "mere possibility of misconduct." *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* at 678. Determining whether a complaint states a plausible claim for relief is a context-specific task that requires the reviewing court to draw upon judicial experience and common sense. *Id.* at 679. The court must "accept as true the facts alleged, but not legal conclusions or threadbare recitals of the elements of a cause of action, supported by mere conclusory statements." *Barton v. Taber*, 820 F.3d 958, 964 (8th Cir.

2016). *See also Brown v. Green Tree Servicing LLC*, 820 F.3d 371, 372-73 (8th Cir. 2016) (stating that court must accept factual allegations in complaint as true, but is not required to "accept as true any legal conclusion couched as a factual allegation").

When reviewing a pro se complaint under § 1915(e)(2), the Court must give it the benefit of a liberal construction. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). A "liberal construction" means that if the essence of an allegation is discernible, the district court should construe the plaintiff's complaint in a way that permits his or her claim to be considered within the proper legal framework. *Solomon v. Petray*, 795 F.3d 777, 787 (8th Cir. 2015). However, even pro se complaints are required to allege facts which, if true, state a claim for relief as a matter of law. *Martin v. Aubuchon*, 623 F.2d 1282, 1286 (8th Cir. 1980). *See also Stone v. Harry*, 364 F.3d 912, 914-15 (8th Cir. 2004) (stating that federal courts are not required to "assume facts that are not alleged, just because an additional factual allegation would have formed a stronger complaint"). In addition, affording a pro se complaint the benefit of a liberal construction does not mean that procedural rules in ordinary civil litigation must be interpreted so as to excuse mistakes by those who proceed without counsel. *See McNeil v. United States*, 508 U.S. 106, 113 (1993).

The Complaint

Plaintiff is a pro se litigant who brings this civil action against "Corporation Worldwide," which seems to refer to a number of different corporations. He alleges that these corporations have plagiarized him, and have engaged in acts of prejudice, racism, and theft. (Docket No. 1 at 5; Docket No. 1-1 at 1).

Plaintiff claims that "Corporation[s] Worldwide" are committing plagiarism by "stealing things from the universe or cosmos by using spiritualism...[and] saying it's theirs." (Docket No. 1-1 at 1). In particular, he accuses various video game manufacturers, such as Nintendo, Guerilla,

and Blizzard, of "looking [through] the universes with spiritualism" and claiming things that do not belong to them. Plaintiff alleges that these corporations have plagiarized his life, his race, things that he has gone through in life, his ideas, his emotions, his actions, and his deeds.

Attached to his complaint are pictures that appear to be screenshots from various videogames. (Docket No. 1-1 at 2-3). Plaintiff's complaint also consists of a number of bizarre statements, such as his assertions that: "I am called the Warlord because [of] my affinity to war...I am righteous, I have a private army called The Homonculi, my emotions are black and white. My ability is Armor. My kingdom is empire. This has all been plagiarized." (Docket No. 1-1 at 2).

Plaintiff seeks to stop "Corporation[s] Worldwide" from continuing their plagiarizing. (Docket No. 1 at 4). He is also seeking compensation.

Discussion

Plaintiff brings this pro se civil action against "Corporation[s] Worldwide" alleging that he has been plagiarized, among other things. The allegations are frivolous and must be dismissed.

Pursuant to 28 U.S.C. § 1915, a court may dismiss a complaint as frivolous if it lacks an arguable basis in law or fact. *Martinez v. Turner*, 977 F.2d 421, 423 (8th Cir. 1992). When dealing with factual frivolity, courts are given "the unusual power to pierce the veil of the complaint's factual allegations and dismiss those claims whose factual contentions are clearly baseless." *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). Such a dismissal encompasses allegations that are fanciful, fantastic, and delusional. *Denton v. Hernandez*, 504 U.S. 25, 32 (1992). "[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.*

Here, the facts in plaintiff's complaint, such as they are, clearly rise to the level of the irrational and wholly incredible. As best the Court can tell, he alleges that various corporations are using "spiritualism" to steal his thoughts for use in videogames, as well as animation, television, artwork, music, and books. These claims have no basis in law or fact. Therefore, this action must be dismissed. *See Sikora v. Houston*, 162 F.3d 1165, 1998 WL 390444, at *1 (8th Cir. 1998) (unpublished opinion) (affirming district court dismissal of complaint as "delusional and therefore frivolous" where plaintiff alleged the "use of electro staticmagnetic pressure field devices that surround his body in pressure fields of varying degrees and frequencies" and that "caused him to suffer various physical problems").

Motion for Appointment of Counsel

Plaintiff has filed a motion to appoint counsel. (Docket No. 3). The motion will be denied as moot as this case is being dismissed without prejudice as frivolous. *See* 28 U.S.C. § 1915(e)(2)(B).

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis (Docket No. 2) is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel (Docket No. 3) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice as frivolous. *See* 28 U.S.C. § 1915(e)(2)(B). A separate order of dismissal will be entered herewith.

IT IS FURTHER ORDERED that an appeal from this dismissal would not be taken in good faith.

Dated this 20th day of November, 2019.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE