

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

DENNIS SHELDON BREWER,

Plaintiff,

v.

2:24-CV-123-Z

WILLIAM BURNS *et al.*,

Defendants.

ORDER

Before the Court are Plaintiff's *pro se* Complaint (ECF No. 3), and Motions for Leave to Proceed *In Forma Pauperis* (ECF No. 4), Motion for Permission for Electronic Case Filing (ECF No. 5), Motion to Appoint Counsel (ECF No. 6), and Motion to Certify Class (ECF No. 7) (collectively, "Motions"), all filed on June 5, 2024. Plaintiff, a resident of Edgewater, New Jersey, sues many federal officials, the New York City Police Department and several of its officials, various domestic and international entities, various individuals in their individual capacities, and an unknown number of John Does. ECF No. 3 at 1–9.

"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)). A complaint that lacks "an arguable basis either in law or in fact" is frivolous. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

This Court cannot exercise subject matter jurisdiction over a frivolous complaint. 28 U.S.C. § 1915(e)(2)(B)(i); *see Hagans v. Lavine*, 415 U.S. 528, 536–37 (1974) ("Over the years this Court has repeatedly held that the federal courts are without power to entertain claims otherwise within their jurisdiction if they are 'so attenuated and unsubstantial as to be absolutely devoid of merit'")

(quoting *Newburyport Water Co. v. Newburyport*, 193 U.S. 561, 579 (1904)); *see also Tooley v. Napolitano*, 586 F.3d 1006, 1010 (D.C. Cir. 2009) (examining cases dismissed “for patent insubstantiality,” including where the plaintiff allegedly “was subjected to a campaign of surveillance and harassment deriving from uncertain origins . . .”). Courts must dismiss a complaint as frivolous “when the facts alleged rise to the level of the irrational or the wholly incredible.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992).


Plaintiff’s Complaint is frivolous. First, *inter alia*, it is a staggering and prolix 595 pages *without attachments*. Second, Plaintiff makes incredible accusations of an “ultrasecret government ‘mind control’ program [that] ran from 1953 until its public disclosure in 1973” promulgated by an “ultra-secret and illegal bioweapon and bioweapon delivery system.” ECF No. 3 at 40. Neither the Court nor Defendants can reasonably be expected to identify Plaintiff’s claims, and Defendants cannot be expected to prepare an answer or dispositive motion for such wide-ranging allegations.

For these reasons, and for those addressed in similar actions filed (and dismissed) in the D.C. Circuit, it is **ORDERED** that the Complaint is **DISMISSED WITHOUT PREJUDICE**. *See, e.g., Brewer v. Wray*, No. 1:22-cv-00996, 2022 WL 1597610 (D.D.C. May 16, 2022), *aff’d*, No. 22-5158, 2022 WL 4349776 (D.C. Cir. Sept. 20, 2022); *see also Brewer v. Wray*, No. 23-00415, 2023 WL 3608179 (D.D.C. Feb. 28, 2023), *aff’d*, No. 23-5062, 2023 WL 3596439 (D.C. Cir. May 23, 2023).

It is further **ORDERED** that Plaintiff’s Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 4) is **GRANTED**, while the remaining Motions are **DENIED**.

SO ORDERED.

June 6, 2024



MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE

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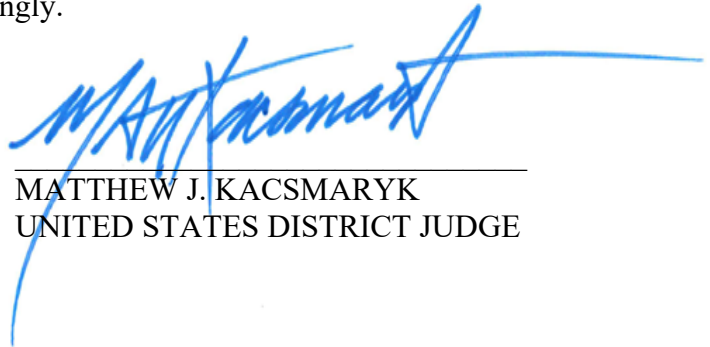
Defendants.

JUDGMENT

Before action came on for consideration by the Court, and the issues having been duly considered and a decision duly rendered, it is **ORDERED, ADJUDGED, and DECREED** that this lawsuit is **DISMISSED WITHOUT PREJUDICE**.

The Court renders judgment accordingly.

June 6, 2024.



MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE