

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IRVING C. JONES,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
vs.	:	NO. 04-4973
	:	
	:	
REPUBLICAN NATIONAL COMMITTEE,	:	
REPUBLICAN PARTY USA,	:	
and FREE SOIL PARTY IN ANY AND	:	
ALL 50 STATES, ET AL.,	:	
	:	
Defendants.	:	

DUBOIS, J.

NOVEMBER 15, 2004

MEMORANDUM

I. BACKGROUND

Pro se plaintiff, Irving C. Jones, instituted this action against the “Republican National Committee, Republican Party USA, and Free Soil Party in any and all 50 States, et al.” He alleges, in essence, that defendant, Republican Party, interfered with his life and the lives of others. There are no specific allegations against the other defendants.

In the Complaint, plaintiff alleges that defendant prevented him from obtaining employment (Id. at ¶¶ 6,8), caused him to become bankrupt and homeless (Id. at ¶ 10), and has forced him to “identify” with its leaders. (Id. at ¶¶ 22-23). In addition, he recites a litany of defendant’s alleged policies with which he disagrees, including those related to employment (Id. at ¶¶ 1,5,18), the environment (Id. at ¶ 20), defense (Id. at ¶¶ 9,17), civil rights (Id. at ¶¶ 14,16,22), healthcare (Id. at ¶ 19), and judicial appointments (Id. at ¶ 15). Moreover, he alleges that defendant is engaged in a “fraudulent business” seeking funding from the federal

government and denying resources to others (Id. at ¶¶ 1-3), and also that defendant “tamper[s] with family relations.” (Id. at ¶ 4). He requests damages and an injunction. (Id. at ¶¶ 11,23).

Because it appears plaintiff is unable to pay the costs of commencing this suit, leave to proceed *in forma pauperis* under 28 U.S.C. §1915 is granted. However, for the reasons that follow, plaintiff’s Complaint is dismissed as legally frivolous pursuant to 28 U.S.C. § 1915(e) (2)(B).

II. DISCUSSION

Courts apply a two-step analysis when considering motions to proceed *in forma pauperis*. “First a district court evaluates a litigant’s financial status and determines whether [he] is eligible to proceed *in forma pauperis* under § 1915(a). Second, the court assesses the complaint under [§ 1915(e)] to determine whether it is frivolous.” Roman v. Jeffes, 904 F.2d 192, 194 n.1 (3d Cir. 1990). Moreover, “a district court may dismiss as frivolous claims based on an indisputably meritless legal theory and claims whose factual contentions are clearly baseless.” Id. at 194 (citing Neitzke v. Williams, 490 U.S. 319 (1989)). “Within the former category fall those cases in which. . . it is readily apparent that the plaintiff’s complaint lacks an arguable basis in law.” Id. (quoting Sultenfuss v. Snow, 894 F.2d 1277, 1278 (11th Cir. 1990)). A district court can dismiss a claim as factually frivolous where “the facts alleged rise to the level of the irrational or the wholly incredible.” Denton v. Hernandez, 504 U.S. 25, 33 (1992).

Plaintiff obviously disagrees with many of the policies he attributes to the Republican Party. However, he completely fails to link his disagreement to any remotely arguable legal theories. See Roman, 904 F.2d at 194. Instead, for the most part, the Complaint simply lists the alleged policies of the Republican Party with which he disagrees, and concludes that these

policies violate his constitutional rights. Such allegations are clearly frivolous.

Plaintiff alleges in the Complaint that defendant “has attacked the human rights of the Plaintiff, inclusive of the 1st amendment [sic] made applicable by the 14th Amendment” by harming his ability to obtain and maintain employment, causing him to become bankrupt and homeless. (Compl. at ¶¶ 6,8,10). He also claims that defendant has forced him to “identify” with its leaders (Id. at ¶¶ 22-23). The Court cannot conceive of any constitutional violations, or other remotely arguable legal theories, raised by such allegations. Moreover, plaintiff’s factual contention that defendant caused any of his alleged injuries is irrational and baseless. See Denton, 504 U.S. at 33; Roman, 904 F.2d at 194.

III. Conclusion

For the foregoing reasons, the Court grants plaintiff leave to proceed *in forma pauperis*, but dismisses his Complaint as frivolous pursuant to 28 U.S.C. §1915(e)(2)(B).

An appropriate order follows.

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ALL 50 STATES, ET AL.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 15th day of November, 2004, upon consideration of plaintiff's Complaint and plaintiff's Motion to Proceed *In Forma Pauperis* (Document No. 1, filed October 22, 2004), for the reasons set forth in the accompanying Memorandum, it is **ORDERED** that:

1. Plaintiff's Motion to Proceed *In Forma Pauperis* is **GRANTED**; and,
2. Plaintiff's Complaint is **DISMISSED WITH PREJUDICE AS FRIVOLOUS** pursuant to 28 U.S.C. § 1915(e)(2)(B).

BY THE COURT:

/s/ Honorable Jan E. DuBois
JAN E. DUBOIS, J.