

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

PATRICIA A. FIELDS	:	
Plaintiff,	:	CIVIL ACTION
	:	
vs.	:	NO. 08-5794
	:	
JOAN K. GARNER,	:	
Defendants.	:	

ORDER AND MEMORANDUM

ORDER

AND NOW, this 5th day of January, 2009, upon consideration of plaintiff's Complaint and Motion to Proceed *In Forma Pauperis* (Document No. 1, filed December 15, 2008), for the reasons set forth in the accompanying Memorandum, **IT IS ORDERED** that:

1. Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* is **GRANTED**;
2. Plaintiff's Complaint is **DISMISSED WITH PREJUDICE** as legally frivolous and factually baseless, and for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e); and,
3. Plaintiff's *pro se* "Emergency Motion for Defendants to Release Funds From My Credit Union After they Stole the case out of Bucks County Courthouse September 2006," is **DENIED** as legally frivolous and factually baseless, and for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e).

MEMORANDUM

I. BACKGROUND

Pro se plaintiff, Patricia A. Fields, is well-known to this Court. She has filed numerous Complaints and Emergency Motions. One such case was settled for \$4,000.00 by the United States

and another defendant; the relief sought in all of the other cases was denied.

The Complaint in this case makes a hodgepodge of allegations, the gist of which is that defendant “. . . obstructed justice in the process of bringing my credit union to Court for credit card fraud, whom have been embezzling my pension funds for over two years.” The Complaint goes on to state that plaintiff needs “a restraining order to prevent them from continuing the theft and return funds immediately for pending utilities disconnections etc.” Somewhat similar claims were made by plaintiff in prior litigation, and were rejected by this Court¹ and the Court of Appeals.²

II. STANDARD OF REVIEW

28 U.S.C. § 1915(e)(2) provides, in relevant part, “Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that ...(B) the action or appeal--(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted” 28 U.S.C.A. § 1915(e)(2) (West Supp. 1999). The “statute's instruction that an action may be dismissed if the court is 'satisfied' that it is frivolous ... indicates that frivolousness is a decision entrusted to the discretion of the court.” Denton v. Hernandez, 504 U.S. 25, 32 (1992).

The standard under which a district court may dismiss an action as frivolous under § 1915(e)(2) was clarified by the Supreme Court in Neitzke v. Williams, 490 U.S. 319 (1989). Dismissal under § 1915(e)(2) is appropriate either when the action is "based on an indisputably meritless legal theory" or when it posits "factual contentions [that] are clearly baseless." Id. at 327. In making its § 1915(e) determination, the Court is not bound to accept without question the truth

¹Patricia A. Fields v. United States of America, Civil Action No. 06-4246.

²Patricia A. Fields v. United States of America, C.A. No. 08-2938.

of Plaintiff's allegations simply because they cannot be rebutted by judicially noticeable facts. See Denton, 504 U.S. at 32. The court is 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, 490 U.S. at 327.

III. DISCUSSION

Plaintiff's claims make absolutely no sense. The gravamen of the Complaint is that someone is engaged in credit card fraud at plaintiff's credit union which, according to papers filed in this case and in prior litigation, is located in New Jersey.

Defendant Garner's involvement in the Fields litigation stems from her role as Assistant United States Attorney engaged in the defense of the United States and its employees who were sued by plaintiff. There simply is no legal theory upon which defendant Garner can be charged with embezzlement of any funds of the plaintiff on deposit at the New Jersey credit union. Moreover, somewhat similar claims were made by plaintiff in prior litigation and were rejected by this Court and the Court of Appeals. Thus, the Court concludes that plaintiff's claims are legally frivolous.

In Denton v. Hernandez, 504 U.S. 25, 32-33 (1992), the Supreme Court held that allegations are "clearly baseless" when they describe "fanciful," "fantastic," or "delusional" scenarios. A complaint is factually baseless if "the facts alleged rise to the level of irrational or the wholly incredible." Id.

The Court finds that plaintiff's claims are fantastic and wholly irrational. She charges in glittering generalities that defendant "obstructed justice in the process of bringing my credit card union to Court for credit card fraud whom have been embezzling my pension funds for over two

years.” Such allegations are plainly factually baseless and certainly fail to state a claim upon which relief can be granted against the defendants.

IV. CONCLUSION

For all of the foregoing reasons, plaintiff’s Complaint and accompanying Emergency Motion are dismissed with prejudice as legally frivolous and factually baseless, and for failure to state a claim upon which relief can be granted.

BY THE COURT:

/s/ Honorable Jan E. DuBois

JAN E. DUBOIS, J.