

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

WILLIAM PERKINS and WALTER PERKINS : CIVIL ACTION  
vs. :  
GLORIA LANZA : NO. 97-6692

M E M O R A N D U M

DUBOIS, J.

NOVEMBER 3, 1997

Plaintiffs, William Perkins and Walter Perkins, filed a difficult-to-understand pro se Complaint against Gloria Lanza, identified in the Complaint as residing in Las Vegas, Nevada. Plaintiffs appear to be alleging that Ms. Lanza signed for and opened in Nevada "certified mail contents Civil Action Complaints filed in U.S.A. Dist. Courts Phila Penna Washington DC and Pittsburgh Penna." After claiming "Invasion of Privacy By Opening Mail, Snooping," the Complaint states "Valuable Information Against Defts was no Longer of any Value. I sic \$250,000 damages." One (1) case identified in the Complaint as related - "CV 94-1905" - is not pending in this Court.

With the Complaint, plaintiff, William Perkins, filed an Application for Leave to Proceed In Forma Pauperis. As it appears that he is unable to pay the costs of commencing this action, leave to proceed in forma pauperis, is granted. However, for the reasons which follow, the Complaint will be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e).

The standard under which a district court may dismiss an

action as frivolous was set forth by the Supreme Court in Neitzke v. Williams, 490 U.S. 319 (1989). Under Neitzke, dismissal under § 1915(e)<sup>1</sup> is appropriate when the action is "based on an indisputably meritless legal theory" or when it posits "factual contentions [that] are clearly baseless." Id. at 327.

Plaintiffs' Complaint posits factual contentions that are difficult to comprehend, and plaintiffs do not state any legal theory on which they are proceeding. Moreover, defendant, identified as a resident Nevada in this case which arises out of an incident that occurred in Nevada, is beyond the jurisdiction of the Court - this Court lacks jurisdiction over the person of defendant. For all of those reasons, the Court concludes that this Complaint is legally frivolous and it will be dismissed under 28 U.S.C. § 1915(e).<sup>2</sup>

An appropriate Order dismissing the Complaint as legally frivolous under 28 U.S.C. § 1915(e) follows.

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<sup>1</sup>Neitzke dealt with 28 U.S.C. § 1915(d), the predecessor statute to § 1915(e).

<sup>2</sup>The Court notes that plaintiff, William Perkins, has filed at least ten (10) prior actions in this Court which were assigned to three (3) different Judges. All such cases were dismissed as legally frivolous.