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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL WADE BROUSSARD,

Plaintiff,

v.

PRESIDENT OF THE UNITED STATES
BARACK OBAMA, et al.,

Defendant.

CASE NO. C10-1343RSM

ORDER OF DISMISSAL

Plaintiff Michael Wade Broussard, appearing *pro se* and *in forma pauperis* (“IFP”) in this action, has filed a petition for writ of habeas corpus, naming as defendants or respondents President Barack Obama, the United Nations, the State Department, and others. He asserts various vague and conclusory allegations regarding bribery, intimidation, and prostitution, and asks that the Court order the United States Department of Justice to investigate his allegations. Dkt. # 4. He has now filed an “emergency motion” asking for an “extraordinary writ . . . to challenge what has taking [sic] place here in the United States of America and continues.” Dkt.

1 # 5. Both the complaint and the emergency motion invoke “supranatural law” in the caption.
2 However, plaintiff has cited no statute which would confer jurisdiction on this Court, or provide
3 a federal cause of action for the wrongs alleged.

4 The Court's grant of plaintiff's IFP application does not mean that he may continue to
5 prosecute his complaint. A court may dismiss a case filed without the payment of the filing fee
6 whenever it determines that the action “(i) is frivolous or malicious; (ii) fails to state a claim on
7 which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune
8 from such relief.” 28 U.S.C. § 1915(e)(2)(B)(i)-(iii). A complaint “is frivolous where it lacks an
9 arguable basis either in law or fact. [The] term ‘frivolous,’ when applied to the complaint,
10 embraces not only the inarguable legal conclusion, but also the fanciful factual allegation.”
11 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see also Martin v. Sias*, 88 F.3d 774, 775 (9th
12 Cir.1996); *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir.1995). When determining whether
13 a complaint is frivolous, the court need not accept the factual allegations as true, but must “pierce
14 the veil of the complaint,” to determine if the allegations are “fanciful,” “fantastic,” or
15 “delusional.” *Denton v. Hernandez*, 504 U.S. 25, 33 (*quoting Neitzke*, 490 U.S. at 327-28).

16 In this case, plaintiff makes delusional claims against various individuals and entities,
17 both named and unnamed. For example, he alleges that

18 These people didn't want to see me with these things. . . Their objective has been
19 to try the same things that was tried in Harris County Texas here in the Pacific
20 Northwest. Where in the South they could only come to me sending black
21 females and harass with black homosexuals here in the Pacific Northwest whites
22 were able to get away with that, that blacks tried to get away with. I was offerd
23 [sic] a new car and a brick home to live inn [sic]. The white female said she's
24 going to introduce me to my woman. The term she used is I am gonig [sic] to
introduce you to your women. This had gone on in Houston, Harris County Texas
for years. . . The white female introduced me to her X, showed me the car she
bought him, and states yours is going to be an even newer model. . . . To get me to
be the pimp seem to be just as important as stalking me with grown homosexual
men,. Intentions to claim I am homosexual and claiming I am a pimp.

1 | Complaint, p.1-2. The balance of the complaint repeats various allegations about perpetrators
2 | and homosexuals in both Texas and the Pacific Northwest, and also complains that plaintiff is
3 | “experiencing high levels of radiation.” *Id.*, p. 10.

4 | The rambling allegations of both the petition and the emergency motion are incoherent
5 | and delusional, and do not present facts or legally coherent theories of liability establishing any
6 | claim for relief. The Court finds that there is no possible construction of the petition from which
7 | to derive a viable claim against the named defendants. Further, “it is absolutely clear that the
8 | deficiencies of the complaint could not be cured by amendment.” *Franklin v. Murphy*, 745 F.2d
9 | 1221, 1228 n. 9 (9th Cir.1984). Accordingly, emergency motion (Dkt. # 5) is DENIED, and the
10 | petition and action are DISMISSED as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and
11 | (ii).

12 | Dated September 21, 2010.

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17 | RICARDO S. MARTINEZ
18 | UNITED STATES DISTRICT JUDGE
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