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2 UNITED STATES DISTRICT COURT  
3 EASTERN DISTRICT OF WASHINGTON

4 CLIFFORD FRANK FLETT,  
5  
6 Plaintiff,  
7  
8 vs.  
9 BENTON COUNTY  
10 CORRECTIONAL CENTER and  
11 EMPLOYEES OF BENTON  
12 COUNTY,  
13 Defendants.

NO. CV-11-5148-LRS  
ORDER DISMISSING FIRST AMENDED  
COMPLAINT  
**1915(g)**

14 BEFORE THE COURT are Plaintiff's First Amended Complaint, ECF No. 19, and  
15 a letter, ECF No. 18, which were received on January 5, 2012. By Order filed November  
16 14, 2011, the Court had advised Plaintiff of the deficiencies of his initial complaint and  
17 directed him to amend or voluntarily dismiss within sixty (60) days. ECF No. 16. After  
18 review of Plaintiff's submissions, the Court finds he has failed to cure the deficiencies of  
19 his initial complaint.

20 Once again, Plaintiff broadly asserts the presence of an "illegal torture chamber"  
21 and a "death squad" at that Benton County Correction Center. He claims the public  
22 address system is used to "scream" that he is a child molester in order that other inmates  
23 might attack and kill him. He contends he has been "framed" for molestation and rape.  
24 He also asserts that private persons have taken out bank loans to hire others to kill him.  
25 In addition, Plaintiff claims various women, including relatives, have been summoned to  
26 the jail for interrogations and then raped within his hearing.

27 The Court finds Plaintiff's allegations to be frivolous. A claim is legally frivolous  
28 when it lacks an arguable basis either in law or in fact. *Neitzke v. Williams*, 490 U.S.  
319, 325 (1989); *Franklin v. Murphy*, 745 F.2d 1221, 1227-28 (9th Cir. 1984). The

1 Court may, therefore, dismiss a claim as frivolous where it is based on an indisputably  
2 meritless legal theory or where the factual contentions are clearly baseless. *Neitzke*, 490  
3 U.S. at 327. Plaintiff's allegations against Defendants he considers "too many" to  
4 identify in the caption of this First Amended Complaint are both fanciful and delusional.  
5 *See Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992) (defining a frivolous complaint as  
6 one in which the facts alleged are "clearly baseless," that is, "fanciful," "fantastic," or  
7 "delusional") (internal citation omitted). Therefore, **IT IS ORDERED** the First  
8 Amended Complaint is **DISMISSED as frivolous** under 28 U.S.C. §§ 1915A(b)(1) and  
9 1915(e)(2).

10 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings  
11 three or more civil actions or appeals which are dismissed as frivolous or for failure to  
12 state a claim will be precluded from bringing any other civil action or appeal *in forma*  
13 *pauperis* "unless the prisoner is under imminent danger of serious physical injury." 28  
14 U.S.C. § 1915(g). **Plaintiff is advised to read the new statutory provisions under 28**  
15 **U.S.C. § 1915. This dismissal of Plaintiff's complaint may count as one of the three**  
16 **dismissals allowed by 28 U.S.C. § 1915(g) and may adversely affect his ability to file**  
17 **future claims.**

18 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
19 Order, enter judgment, forward copies to Plaintiff at his last known address, and close  
20 the file. The District Court Executive is further directed to forward a copy of this Order  
21 to the Office of the Attorney General of Washington, Criminal Justice Division. The  
22 court certifies any appeal of this dismissal would not be taken in good faith.

23 **DATED** this 19th day of January, 2012.

24  
25 *s/Lonny R. Suko*

26 \_\_\_\_\_  
LONNY R. SUKO  
UNITED STATES DISTRICT JUDGE