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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD ROUSAY,

Plaintiff,

CIV. S-05-1261 LKK PAN PS

v.

JEFF MIESELER, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

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On August 5, 2005, this court granted plaintiff's application to proceed in forma pauperis but dismissed plaintiff's complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted. The court granted plaintiff leave to file an amended complaint, which he timely filed August 22.

The "Amendment" filed by plaintiff mirrors the original complaint. As I observed in my prior order:

1 Plaintiff alleges a series of wrongs by twenty-one defendants in
2 several unrelated events. He asserts, for example, that the Salt
3 Lake City police improperly refused to arrest his ex-wife after
4 she stabbed plaintiff; that plaintiff was ridiculed for seeking
5 the assistance of the F.B.I.; that the U.S. Attorney General
6 facilitated the torture of "one Mahar Arar" by deporting him to
7 Syria in contravention of the Geneva Conventions; and that the
8 mayor of Salt Lake City failed to return tables and chairs to
9 Bennetts Custom Fiberglass.

6 Plaintiff now adds four more defendants, including the
7 governor of Utah, against whom plaintiff asserts:

8 Mike Levitt Governor of Utah Plaintiff Richard Rousay required on
9 several occasions help. No assistance was rendered by the
10 defendant Mike Levitt. Because of the defendants actions or lack
11 of action (kings rule) the defendant Mike Levitt has created a
12 deficiency in his oath of office to up hold the US Constitution.

11 Further, on October 17, plaintiff filed a request for
12 emergency review of this case due to the impending eighteenth
13 birthday of his youngest child. He claims that after his child's
14 birthday in November, "plaintiff may never visit or see any of
15 his five children and three grandchildren" due to the "unlawful
16 act of the City of Salt Lake City, the County of Salt Lake, the
17 State of Utah and the U.S. Federal Government.

18 Plaintiff's claims are fanciful, delusional and legally
19 frivolous, and I therefore recommend dismissal of the complaint
20 with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). See
21 Nietzke v. Williams, 490 U.S. 319, 327-28 (1989) (a complaint is
22 frivolous under 28 U.S.C. § 1915 if it contains "fanciful factual
23 allegations" and "inarguable legal conclusion[s]"). Dismissal is
24 also warranted to the extent this case involves child custody
25 issues; such matters lie only with the laws of the states as
26 interpreted by the state courts. In re Burrus, 136 U.S. 586,

