

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

MARK SCOTT CIRIELLO, :
Plaintiff, :
 :
-vs- : Civil No. 3:03cv437 (PCD)
 :
U.S. SUPREME COURT, :
Defendant. :

ORDER DISMISSING COMPLAINT

Plaintiff was granted leave to proceed *in forma pauperis*. Construing plaintiff's complaint under the liberal standard afforded pro se submissions, *see Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S. Ct. 594, 30 L. Ed. 2d 652 (1972), no cognizable claim against defendant can be identified and the complaint is dismissed *sua sponte*.

“A district court must dismiss an in forma pauperis action if the action is ‘frivolous or malicious.’ *See* 28 U.S.C. § 1915(e)(2)(B)(I). An action is ‘frivolous’ when either: (1) the factual contentions are clearly baseless, such as when allegations are the product of delusion or fantasy; or (2) the claim is ‘based on an indisputably meritless legal theory. . . . A claim is based on an ‘indisputably meritless legal theory’ when either the claim lacks an arguable basis in law . . . or a dispositive defense clearly exists on the face of the complaint.” *Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998) (citations omitted; internal quotation marks omitted).

Plaintiff's complaint is found to be frivolous because defendant, the United States Supreme Court, bears no apparent connection to a denial of benefits allegedly payable under a Prudential Insurance Company (“Prudential”) life insurance policy, nor is Prudential a named defendant in the

present complaint. Plaintiff is granted leave to file an amended complaint within thirty days of this order.

SO ORDERED.

Dated at New Haven, Connecticut, March ____, 2003.

Peter C. Dorsey
United States District Judge