

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

MANUEL RAUL REYO PENA GARCIA :  
MONTERO, :  
 :  
 Plaintiff, :  
 : PRISONER  
V. : Case No. 3:05-CV-1519(RNC)  
 :  
 PRES BUSH ADNS, ET AL., :  
 :  
 Defendants. :

ORDER OF DISMISSAL

Petitioner, a federal inmate at the United States Penitentiary at Leavenworth, Kansas, has filed more than one hundred habeas petitions in federal district courts around the country. The petition in this case, like others before it, makes allegations that can be aptly described as "incomprehensible, fantastic and apparently delusional." Montero v. Bush, No. 2:05-cv-516, 2005 U.S. Dist. LEXIS 12736, at \*1 (S.D. Ohio June 24, 2005). Petitioner requests leave to proceed in forma pauperis.

Under 28 U.S.C. § 1915(e)(2)(B), the petition is subject to dismissal if the claim is frivolous or malicious. See Mai v. Doe, 406 F.3d 155, 157 (2d Cir. 2005). An action is frivolous when "the factual contentions are clearly baseless, such as when allegations are the product of delusion or fantasy" or when "the claim is based on an indisputably meritless legal theory." Livingston v. Adirondack Beverage Co., 141 F.3d 434, 437 (2d Cir.

1998) (internal quotation marks omitted). Petitioner's allegations epitomize this standard. See Montero v. Clinton, No. 04 CV 435 (JG), 2004 U.S. Dist. LEXIS 2543, at \*3 (E.D.N.Y. Feb. 17, 2004).<sup>1</sup>

Accordingly, the petition is hereby dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). I certify that an appeal would not be taken in good faith.

So ordered.

Dated at Hartford, Connecticut this 10th day of May, 2006.

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/s/  
Robert N. Chatigny  
United States District Judge

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<sup>1</sup> It appears, moreover, that there is no connection between this case and Connecticut that would support this Court's exercise of jurisdiction over petitioner's custodian in Kansas.