

ORIGINAL

In the United States Court of Federal Claims

No. 13-947

(Filed: January 6, 2014)

FILED

JAN 6 2014

U.S. COURT OF
FEDERAL CLAIMS

PATRICK LORNE FARRELL,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

OPINION AND ORDER

WHEELER, Judge.

On December 2, 2013, *pro se* Plaintiff Patrick Lorne Farrell filed suit in this Court against several government agencies including the Internal Revenue Service, the Department of the Treasury, the Federal Reserve System, and the Department of Justice. Currently before the Court is Mr. Farrell's application to proceed in forma pauperis. Pursuant to 28 U.S.C. § 1915(a), the Court may authorize the commencement and prosecution of a civil action without prepayment of fees and costs by a person who, by affidavit, demonstrates that he is unable to pay such costs. Mr. Farrell has supplied the Court with an executed, standard-form application to proceed in forma pauperis. Accordingly, Mr. Farrell's application is hereby GRANTED.

However, where a complaint filed in forma pauperis is frivolous or malicious, or fails to state a claim on which relief may be granted, the Court shall dismiss the action under 28 U.S.C. § 1915(e)(2)(B)(i)-(ii). A finding that an action is frivolous is appropriate when "the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them." Denton v. Hernandez, 504 U.S. 25, 33 (1992).

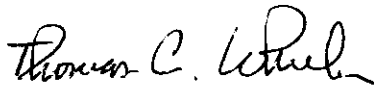
Here, Mr. Farrell demands \$1,000,000 alleging that the Government unlawfully retaliated against him for filing qui tam complaints alleging fraud. Many of Mr. Farrell's claims rise to the level of the irrational, such as his statement that Defendants "adhere to the Jewish Talmud and the 10 Planks of the Communist Manifesto." Compl. ¶ 20. Furthermore, Mr. Farrell's complaint is replete with anti-Semitic statements and offensive remarks that the Court will not repeat here.

Rule 11 of the Rules of the Court of Federal Claims empowers the Court to impose sanctions on parties who file frivolous lawsuits with no basis in fact or law. Where necessary to deter such conduct in the future, this Court has seen fit to bar a plaintiff from filing any future complaints without an order from the Court approving the filing. See Rutledge v. United States, 72 Fed. Cl. 396, 403 (2006) (citing multiple cases in which the Court has barred plaintiffs from making filings without the Court's prior approval) (internal citations omitted). Here, the Court finds that Mr. Farrell's claims have no basis in law or fact.

Furthermore, the public record demonstrates that Mr. Farrell has a history of making similar baseless accusations. For instance, Mr. Farrell filed a case against many of the same parties in Florida state court in 2011. The case was removed to the United States District Court for the Middle District of Florida where it was eventually dismissed. Farrell v. Geithner, 2:12-CV-26-FTM-29 (M.D. Fla. July 31, 2013). There, in its motion to dismiss, the Government noted that Mr. Farrell was a frequent, though unsuccessful, litigant in the Middle District of Florida. The Government cited to nine cases filed by Mr. Farrell, not one of which resulted in a judgment in favor of the plaintiff. In this Court alone, Mr. Farrell has had two cases dismissed. (009-209) (13-655). In 13-655, the Court dismissed the action after finding that the complaint was frivolous. Like the case currently before the Court, Mr. Farrell's complaint was laden with gratuitous slurs and accusations without any corroborative evidence.

Accordingly, Plaintiffs complaint is hereby DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(ii). Plaintiff is ORDERED to cease filing in the U.S. Court of Federal Claims any further actions. The Clerk of Court is directed to accept no filing from Plaintiff without an order of the undersigned approving the filing.

IT IS SO ORDERED.


THOMAS C. WHEELER
Judge