

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EUGENE ROBINSON : CIVIL ACTION
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 v. :
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 :
 EDWARD P. MOTLEY : NO. 05-4783

MEMORANDUM AND ORDER

Stengel, J.

July 18, 2006

Plaintiff Eugene Robinson is an inmate at the State Correctional Institution in Greene, Pennsylvania. He has filed a civil rights action under 28 U.S.C. § 1983 against Edward P. Motely, the Warden at the Federal Detention Center in Philadelphia (“FDC”), and United States District Court Judge Robert B. Kugler.¹ Mr. Robinson alleges that Warden Motely allowed “informants Mark Drake, Michael Harris, and there [sic] associates . . . all negro Freemasons’ initiates, and exgang members from the Moon Gang and Hilltop Hustlers” into FDC so that they could rape, beat and torture Mr. Robinson’s family when they came to visit him. He further alleges that his family was “illegally detained” for three months while visiting him at FDC.

Mr. Robinson believes that both Warden Motely and Judge Kugler, as well as all the other FDC inmates, are Freemason Satanists. He alleges that when Judge Kugler sent him back to the SCI system, that the purported informants and their

¹ Judge Hutton dismissed the claims against Judge Kugler as frivolous on October 21, 2005.

“associates” followed him and continue to torture and “murder” him and his family. His final allegation is that there is a “genocide” going on at FDC and that Warden Motely knows about it and refuses to act to stop it.

A *pro se* claim filed *in forma pauperis* shall be dismissed where “the court determines that . . . the action or appeal is frivolous.” 28 U.S.C. § 1915(e)(2)(B)(i). A claim is frivolous where “the petitioner cannot make any rational argument in law or fact which would entitle him or her to relief.” *Neitzke v. Williams*, 490 U.S. 319, 322-23 (1989). Frivolous claims include “not only the inarguable legal conclusion, but also the fanciful factual allegation.” *Id.* at 325.

After reviewing his claim in conjunction with the medical reports filed under seal with defendants’ Motion to Dismiss, I find that Mr. Robinson’s allegations are fanciful and therefore that his claim is frivolous. As a result, I will dismiss his claim. An appropriate Order follows.

ORDER

AND NOW, this 18th day of July, 2006, after consideration of Defendant's Motion to Dismiss Plaintiff's Complaint (Dkt. # 11) and any responses thereto, it is hereby **ORDERED** that the Motion is **GRANTED**.

The clerk of court is directed to close this case for statistical purposes.

BY THE COURT:

/s/ Lawrence F. Stengel

LAWRENCE F. STENGEL, J.