

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Moon v. Kim

Civil Action No. 1:26-cv-00790 (UNA) (D.D.C. May 8, 2026) · No. Civil Action No. 1:26-cv-00790 (UNA) ·
Decided May 8, 2026

SUMMARY

The United States District Court for the District of Columbia grants the plaintiff's application to proceed in forma pauperis but dismisses the complaint as frivolous under 28 U.S.C. § 1915(e)(2)(B) (i). The court concludes that the complaint's allegations of an expansive criminal conspiracy and other wrongdoing are irrational, incomprehensible, and insufficient to invoke federal subject-matter jurisdiction.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Christopher R. Cooper
JURISDICTION	United States District Court for the District of Columbia
DECIDED	May 8, 2026
DOCKET	Civil Action No. 1:26-cv-00790 (UNA)
DISPOSITION	dismissed
PROCEDURAL POSTURE	On initial review of a pro se complaint and an application to proceed in forma pauperis, the court granted the application and sua sponte dismissed the complaint as frivolous under 28 U.S.C. § 1915(e)(2)(B) (i).
STANDARD OF REVIEW	On initial review under 28 U.S.C. § 1915(e)(2), the court considers whether an in forma pauperis complaint is frivolous or malicious and whether it states a plausible claim for relief.
PRECEDENTIAL VALUE	Published district court memorandum opinion

TOPICS

- subject matter jurisdiction
- pleadings
- motions to dismiss
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights
- remedies

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed as frivolous and malicious under 28 U.S.C. § 1915(e)(2)(B)(i).
2. Whether the complaint stated a plausible claim for relief.
3. Whether the allegations were so attenuated, unsubstantial, irrational, or wholly incredible that the court could not exercise subject matter jurisdiction.

HOLDINGS

1. The complaint was frivolous and malicious because it lacked an arguable basis in law or fact and was plainly abusive of the judicial process.
2. The complaint failed to state a plausible claim for relief.
3. The court could not exercise subject matter jurisdiction over claims that were so attenuated and unsubstantial as to be absolutely devoid of merit.

KEY QUOTATIONS

“A complaint that lacks “an arguable basis either in law or in fact” is frivolous”

“The instant Complaint falls into both categories; accordingly, the court cannot exercise subject matter jurisdiction over it.”

“As here, a court shall dismiss a complaint as frivolous “when the facts alleged rise to the level of the irrational or the wholly incredible,””

“For the foregoing reasons, the Complaint, ECF No. 1, and this case, are dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).”

FACTUAL BACKGROUND

Plaintiff sued Cindy Kim and alleged that she, judges, other individuals, and Satan had engaged in a criminal conspiracy to dismiss his federal lawsuits and prevent him from intervening in other federal cases. The complaint also alleged domestic terrorism and other wrongdoing causing Plaintiff to fear for his safety, but consisted largely of sweeping religious proclamations and was described by the court as rambling and largely incomprehensible.

PROCEDURAL HISTORY

Plaintiff filed a pro se complaint and an application to proceed in forma pauperis. The district court granted in forma pauperis status, determined that the complaint was both frivolous and malicious because it lacked an arguable basis in law or fact and was abusive of the judicial process, and dismissed the action.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Neitzke v. Williams, 490 U.S. 319, 325 (1989)
- Crisafi v. Holland, 655 F.2d 1305, 1307-09 (D.C. Cir. 1981)
- Hagans v. Lavine, 415 U.S. 528, 536-37 (1974)
- Newburyport Water Co. v. Newburyport, 193 U.S. 561, 579 (1904)
- Tooley v. Napolitano, 586 F.3d 1006, 1010 (D.C. Cir. 2009)
- Denton v. Hernandez, 504 U.S. 25, 33 (1992)
- Ibrahim v. Dist. of Columbia, Nos. 93-0002, Civ. A. 93-0060, 1993 WL 30814, at *1 (D.D.C. Jan. 29, 1993)
- Ibrahim v. D.C. Dep't of Corrections, No. 93-7029, 1993 WL 328110 (D.C. Cir. July 7, 1993) (per curiam)

OPINION

Moon v. Kim

PER CURIAM.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

ADRIAN DAMICO MOON,)

) Plaintiff,)) v.) Civil Action No. 1:26-cv-00790 (UNA))

CINDY KIM,)

) Defendant.)

MEMORANDUM OPINION

This matter is before the court on its initial review of Plaintiff's pro se Complaint, ECF No. 1, and Application for Leave to Proceed in forma pauperis, ECF No. 2. The court grants the in forma pauperis Application, and for the reasons discussed below, dismisses this matter as frivolous. Plaintiff's Complaint is rambling and largely incomprehensible. He sues a single Defendant, alleging that she, and many others—including judges and "Satan, a spiritual being, a.k.a 'Lucifer da fallen loser'"—have engaged in an "evil, vicious, heinous" criminal conspiracy against him to dismiss his federal lawsuits and to deny him the opportunity to intervene in other federal cases, and have also allegedly committed myriad other crimes and wrongdoing, including, but not limited to, "domestic terrorism," and other nefarious actions that cause him to fear for his safety. The remainder of the pleading consists of sweeping religious proclamations. "A complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)). A complaint that lacks "an arguable basis either in law or in fact" is frivolous, Neitzke v. Williams, 490 U.S. 319, 325 (1989), and a "complaint plainly abusive of the judicial process is properly typed malicious," Crisafi v. Holland, 655 F.2d 1305, 1309 (D.C. Cir. 1981). The instant Complaint falls into both categories; accordingly, the court cannot exercise subject

matter jurisdiction over it. See *Hagans v. Lavine*, 415 U.S. 528, 536-37

(1974) (“Over the years, this Court has repeatedly held that the federal courts are without power to entertain claims otherwise within their jurisdiction if they are ‘so attenuated and unsubstantial as to be absolutely devoid of merit.’”) (quoting *Newburyport Water Co. v. Newburyport*, 193 U.S. 561, 579 (1904)); *Tooley v. Napolitano*, 586 F.3d 1006, 1010 (D.C. Cir. 2009) (examining cases dismissed “for patent insubstantiality,” including where the plaintiff allegedly “was subjected to a campaign of surveillance and harassment.”). As here, a court shall dismiss a complaint as frivolous “when the facts alleged rise to the level of the irrational or the wholly incredible,” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992), or “postulat[e] events and circumstances of a wholly fanciful kind,” *Crisafi*, 655 F.2d at 1307–08 (D.C. Cir. 1981); see also *Ibrahim v. Dist. of Columbia*, Nos. 93–0002, Civ. A. 93–0060, 1993 WL 30814, at *1 (D.D.C. Jan. 29, 1993) (finding the plaintiff’s “assertion that . . . matters were decided against him because the Courts conspired” against him was frivolous where the “facts only support the notion that the Judges in . . . those cases diligently worked on his complaints [but] decided them against him”), appeal dismissed sub nom. *Ibrahim v. D.C. Dep’t of Corrections*, No. 93-7029, 1993 WL 328110 (D.C. Cir. July 7, 1993) (per curiam) (finding no basis for appeal). For the foregoing reasons, the Complaint, ECF No. 1, and this case, are dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). A separate Order accompanies this Memorandum Opinion.

DATE: May 8, 2026 /s/ CHRISTOPHER R. COOPER

United States District Judge