

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Perales v. United States Secret Service, et al.

Perales v. United States Secret Service, No. 25-cv-3008 (JMC) (D.D.C. Feb. 10, 2026) · No. 25-cv-3008 (JMC) ·
Decided February 10, 2026

SUMMARY

The U.S. District Court for the District of Columbia sua sponte dismissed Azael Dythian Perales’s complaint against the U.S. Secret Service and National Security Agency for lack of subject-matter jurisdiction. The court concluded that the allegations were patently insubstantial and fanciful, and noted that the cited federal criminal statutes generally do not provide private rights of action.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Jia M. Cobb
JURISDICTION	United States District Court for the District of Columbia
DECIDED	February 10, 2026
DOCKET	25-cv-3008 (JMC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se plaintiff sued federal agencies, alleging violations of federal criminal statutes. The district court sua sponte dismissed the action for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1) because the allegations were patently insubstantial and fanciful.
STANDARD OF REVIEW	Sua sponte review for subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1).
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Azael Dythian Perales v. United States Secret Service, National Security Agency

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint presented a justiciable federal question or was so patently insubstantial and fanciful that the court lacked subject matter jurisdiction.
2. Whether the district court could dismiss the action sua sponte under Federal Rule of Civil Procedure 12(b)(1).

HOLDINGS

1. Federal courts lack power to entertain claims that are so attenuated, unsubstantial, or fanciful as to be absolutely devoid of merit; such claims may be dismissed for lack of subject matter jurisdiction under Rule 12(b)(1).
2. A district court may dismiss sua sponte when a complaint is patently insubstantial and does not present a substantial legal question within federal subject matter jurisdiction.

KEY QUOTATIONS

“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, wholly insubstantial, [or] obviously frivolous.” (415 U.S. at 536–37)

“A complaint will be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(1) when it is “‘patently insubstantial,’ presenting no federal question suitable for decision.”” (Opinion at 1)

FACTUAL BACKGROUND

Azael Dythian Perales, proceeding pro se, sued the United States Secret Service and the National Security Agency. He alleged that the agencies violated federal criminal statutes and asserted that they emitted dangerous radio signals into his brain, read his thoughts through a computer, and engaged in other fanciful conduct. The court also noted that the complaint and subsequent filings contained offensive slurs and coarse language, but did not treat those allegations as presenting a substantial legal question.

PROCEDURAL HISTORY

Perales filed the action against the United States Secret Service and the National Security Agency. After reviewing the complaint and subsequent filings sua sponte, the district court concluded that the allegations did not present a substantial federal question and dismissed the action for lack of subject matter jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Hagans v. Lavine, 415 U.S. 528, 536–37 (1974)

- Best v. Kelly, 39 F.3d 328, 330 (D.C. Cir. 1994)
- Neitzke v. Williams, 490 U.S. 319, 325, 327 n.6 (1989)
- Lewis v. Bayh, 577 F. Supp. 2d 47, 54 (D.D.C. 2008)
- Crisafi v. Holland, 655 F.2d 1305, 1307–08 (D.C. Cir. 1981)

OPINION

PER CURIAM.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA AZAEL DYTHIAN PERALES, Plaintiff, Case No. 25-cv-3008 (JMC) v. UNITED STATES SECRET SERVICE, et al., Defendants. MEMORANDUM OPINION Plaintiff Azael Dythian Perales, proceeding pro se, filed the instant suit against the United States Secret Service and the National Security Agency. 1 He alleges that these government agencies violated a host of federal criminal statutes in their dealings with him.

For the reasons described below, the Court DISMISSES his complaint and this action sua sponte. It is well-settled that “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, wholly insubstantial, [or] obviously frivolous.” Hagans v. Lavine, 415 U.S. 528, 536–37 (1974).

A complaint will be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(1) when it is “patently insubstantial,” presenting no federal question suitable for decision.” Best v. Kelly, 39 F.3d 328, 330 (D.C. Cir. 1994) (quoting Neitzke v. Williams, 490 U.S. 319, 327 n.6 (1989)). Claims are patently insubstantial if they are “essentially fictitious,” for example, advancing 1 Unless otherwise indicated, the formatting of quoted materials has been modified throughout this opinion, for example, by omitting internal quotation marks and citations, and by incorporating emphases, changes to capitalization, and other bracketed alterations therein.

All pincites to documents filed on the docket are to the automatically generated ECF Page ID number that appears at the top of each page. 1 “bizarre conspiracy theories,” “fantastic government manipulations of [one’s] will or mind,” or some type of “supernatural intervention.” Id. In such cases, a district court may dismiss the case sua sponte. See Lewis v. Bayh, 577 F. Supp. 2d 47, 54 (D.D.C.

2008). Putting aside the fact that criminal statutes generally do not confer any private right of action, Perales’ allegations fall squarely in the “fanciful” category. Neitzke, 490 U.S. at 325; see also Crisafi v. Holland, 655 F.2d 1305, 1307–08 (D.C. Cir. 1981) (“A court may dismiss as frivolous complaints... postulating events and circumstances of a wholly fanciful kind.”).

Among other allegations, he claims that Defendants “continue[] to emit powerful and dangerous radio signals to [his] brain while [he is] semi-conscious or asleep,” as well as that they “have

somehow [been] able to read [his] every thought while [he is] conscious by way of a computer which sends a live streaming feed of [his] thoughts.” ECF 1 at 2. His complaint and subsequent filings are littered with offensive slurs and other coarse language that the Court will not recount here; but suffice it to say that these allegations similarly do not present a substantial legal question for this Court to resolve.

Accordingly, upon sua sponte review, this action is dismissed for lack of subject matter jurisdiction. SO ORDERED. JIA M. COBB U.S. District Court Judge DATE: February 10, 2026 2