

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)

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