

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MICHAEL GORDON,
PLAINTIFF,

v.

JAMES C. ROVELLA,
DEFENDANT.

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CIVIL ACTION NO.:
3:17-CV-239 (VLB)

FEBRUARY 17, 2017

MEMORANDUM OF DECISION DISMISSING PLAINTIFF’S COMPLAINT

This Court dismisses, *sua sponte*, the action brought by the Plaintiff, Michael Gordon (“Gordon” or “Plaintiff”) proceeding *pro se*, against the Defendant, James C. Rovella, Chief of Police, City of Hartford, in his official capacity (“Rovella” or “Defendant”). For the reasons stated hereafter, the Plaintiff’s action is dismissed.

Factual Background

Plaintiff alleges a group of individuals who call themselves the “Holy Family” have surveilled Plaintiff’s home through audio and video recordings since 2013. [Dkt. No. 1 at 4.] Plaintiff alleges the individuals described as the Holy Family have committed illegal search and seizure by intercepting Plaintiff’s telecommunications and computer activity, removing unspecified items from his computer and/or home video surveillance system, and learned Plaintiff’s passwords. [Dkt. No. 1 at 6.] Plaintiff also alleges the “Holy Family” committed illegal search and seizure by collecting samples of Plaintiff’s fecal matter and testing it for certain medical conditions. *Id.* Relatedly, Plaintiff alleges the “Holy

Family” has acquired medical information about Plaintiff which is confidential under federal law, and has distributed that information to other individuals. *Id.* at 6; 45 C.R.F. 164. Finally, Plaintiff alleges:

All of these allegations have been done with the consent, cooperation or knowledge of Officers or Detectives of the Hartford Police Department. Many times this group of individuals is recorded deliberately lying to the Hartford Police Department and/or colluding with the Hartford Police Department in each of the above allegations. One member of the group claims to be a federal law enforcement officer, who continually thwarts any efforts I make to stop the illegal activity.

[Dkt. No. 1 at 6-7.] Plaintiff does not mention Defendant Rovalla specifically in the description of his allegations. *Id.*

Analysis

The Court may dismiss *sua sponte* an action filed by a pro se plaintiff proceeding *in forma pauperis* if the Court determines that the action is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. See 28 U.S.C. § 1915 (e)(2). An action is “frivolous” when either: (1) “the ‘factual contentions are clearly baseless,’ such as when allegations are the product of delusion or fantasy;” or (2) “the claim is ‘based on an indisputably meritless legal theory.’” *Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir.1998) (citations omitted) (discussing terms as applied in 28 U.S.C. § 1915(e)(2)(B)(1), which requires dismissal of *in forma pauperis* actions that are “frivolous or malicious”). A claim is based on an “indisputably meritless legal theory” when either the claim lacks an arguable basis in law, or a dispositive defense clearly exists on the face of the complaint. *Id.* at 437.

United States District Judge

Dated at Hartford, Connecticut: February 17, 2017