

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

February 21, 2020

**Christopher M. Wolpert
Clerk of Court**

AFSHIN BAHRAMPOUR,

Plaintiff-Appellant,

v.

SECRETARY OF AIR FORCE;
OFFICE FOR HUMAN RESEARCH
PROTECTIONS, Department of
Health and Human Services;
DEFENSE ADVANCED
RESEARCH PROJECTS AGENCY,
D.A.R.P.A.; 50TH SPACE WING
PUBLIC AFFAIRS; DIGITAL
RECEIVER TECHNOLOGIES,
INC.; UNITED NATIONS OUTER
ORBITAL SPACE AGENCY,
U.N.O.O.S.A.; FIDELITY
INVESTMENTS; RAY
KURZWELL, Singularity
University; SINGULARITY
UNIVERSITY, NASA campus;
PATRICK SHANAHAN, Secretary
of Defense; DIRECTOR OF
NATIONAL SCIENCE
FOUNDATION; U.S. HOUSE
COMMITTEE FOR ARMED
SERVICES; WILLIAM BARR, U.S.
Attorney General; SONNY
PURDUE, Secretary of Agriculture;
STEVE SISOLAK, Nevada
Governor; AARON D. FORD,
Nevada Attorney General; JOINT
FORCES HEADQUARTERS,
Defense Information Systems
Agency; ADMINISTRATOR OF
THE NATIONAL AERONAUTICS
AND SPACE ADMINISTRATION;

No. 19-1254

(D.C. No. 1:19-CV-01362-LTB-GPG)
(D. Colo.)

CHAIR OF THE NUCLEAR
REGULATORY COMMISSION;
CHAIR OF THE CONSUMER
PRODUCT SAFETY
COMMISSION; SKUNKWORKS;
ASSISTANT SECRETARY OF
DEFENSE FOR SPECIAL
OPERATIONS AND
LOW-INTENSITY CONFLICT;
SPECIAL OPERATIONS POLICY
AND OVERSIGHT COUNCIL;
SECRETARY OF COMMERCE;
SECRETARY OF LABOR;
SECRETARY OF HEALTH &
HUMAN SERVICES; BEN
CARSON, Secretary of Housing and
Urban Development; SECRETARY
OF TRANSPORTATION;
SECRETARY OF ENERGY;
SECRETARY OF EDUCATION;
SECRETARY OF VETERANS
AFFAIRS; UNDER SECRETARY
OF DEFENSE FOR RESEARCH
AND ENGINEERING; DIRECTOR
OF CENTRAL INTELLIGENCE;
ADMINISTRATOR OF THE
ENVIRONMENTAL PROTECTION
AGENCY; ADMINISTRATOR OF
THE AGENCY FOR
INTERNATIONAL
DEVELOPMENT,

Defendants-Appellees.

ORDER AND JUDGMENT*

* Oral argument would not materially help us to decide this appeal, so we have thus decided the appeal based on the appellate briefs and the record on appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G).

This order and judgment does not constitute binding precedent except under the doctrines of law of the case, *res judicata*, and collateral estoppel.

Before **MATHESON, McKAY, and BACHARACH**, Circuit Judges.

In this suit, Mr. Afshin Bahrampour sued many federal agencies and federal officers, alleging that they have secretly experimented on him with radiation through electromagnetic spectrum weapons. The district court dismissed the suit as frivolous. Mr. Bahrampour appeals and seeks leave to proceed in forma pauperis. We dismiss the appeal and deny leave to proceed in forma pauperis.

The district court had to screen the complaint for frivolousness because Mr. Bahrampour is a prisoner suing government officials and was proceeding in forma pauperis. 28 U.S.C. §§ 1915A(b)(1), 1915(e)(2)(B)(i). A suit is frivolous if it “lacks an arguable basis either in law or fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989), *superseded on other grounds by* 28 U.S.C. § 1915. The claim is wholly incredible, so the district court correctly dismissed the suit as frivolous. *See McGinnis v. Freudenthal*, 426 F. App’x 625, 628 (10th Cir. 2011) (unpublished) (“[The] claims of electromagnetic torture are delusional and unsupported by any factual basis.”); *see also Clark v. United States*, 74 F. App’x 561 (6th Cir.

But the order and judgment may be cited for its persuasive value if otherwise appropriate. Fed. R. App. P. 32.1(a); 10th Cir. R. 32.1(A).

2003) (unpublished) (upholding dismissal, based on frivolousness, of a claim involving radiation experiments).

The appeal is also frivolous. On appeal, Mr. Bahrampour states that he is incorporating excerpts from an article.¹ Mr. Bahrampour contends that this article shows that the military is routinely conducting “‘freedom of thought’ violations against the plaintiff as is routine practice.” Appellant’s Memorandum in Support of Opening Br. at 3. But the article does not provide any basis to believe that federal authorities are conducting radiation experiments on Mr. Bahrampour.

Mr. Bahrampour also seeks leave to proceed in forma pauperis. Because the appeal is frivolous, we deny leave to proceed in forma pauperis. *See* 28 U.S.C. § 1915(a)(3).

Entered for the Court

Robert E. Bacharach
Circuit Judge

¹ The article was not part of the district court or the appellate record, but Mr. Bahrampour also moves for judicial notice of the article. We grant the request for judicial notice, recognizing that Mr. Bahrampour is pro se and apparently believes that he is being targeted for radiation experiments.