

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 07-5002

September Term, 2006

06-cv-02001

Filed On: April 27, 2007 [1036940]

Theresa Small Smith,
Appellant

v.

Linda Giney Gurvey, et al.,
Appellees

**APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Ginsburg, Chief Judge, and Brown and Kavanaugh, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's order filed November 22, 2006, be affirmed. The complaint contains factual allegations that are so implausible as to be "fantastic or delusional." Neitzke v. Williams, 490 U.S. 319, 327-28 (1989). Accordingly, the district court properly dismissed the case as frivolous.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam