

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 08-5168

September Term 2008

1:08-cv-00732-UNA

Filed On: November 5, 2008

Lester Jon Ruston,

Appellant

v.

George W. Bush,

Appellee

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

BEFORE: Sentelle, Chief Judge, and Henderson, Circuit Judge, and Randolph,
Senior Circuit Judge

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 the 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 on March 25, 2008, be affirmed. The district court properly dismissed this action as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B), because the allegations lack an arguable basis either in law or fact. See *Nietzke v. Williams*, 490 U.S. 319, 325 (1989). The complaint contains factual allegations that are so implausible as to be "fantastic or delusional." Id. at 328.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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