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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JASON BARNARD,)	Case No. EDCV 14-781 GW(JC)
)	
Plaintiff,)	ORDER DISMISSING ACTION
)	
v.)	
U.S. GOVERNMENT,)	
)	
Defendant.)	

On April 21, 2014, plaintiff, who is at liberty, has paid the filing fee and is proceeding *pro se*, filed a civil rights complaint against the “U.S. Government” in which he repeatedly refers to God/the Holy Spirit, cites scriptures, and asserts, among other things, that (1) “the 13th Amendment has been broken”; (2) he has been “discriminated against” and “sexual[ly] harass[ed]” because in 1986, his “penis [was] measured” and “[t]he length and width of [his] penis” were “seen and heard” “throughout the media”; (3) he has “been the butt end and front end of jokes, . . . ridicule, and funhouse for the American people” on “different channels on television”; (4) for “close to three decades [he has been] unable to venture out, no friends, no employment, and in unsafe housing,” and has been “celibate 18 years”; (5) he has been “deprived [of] the right to life”; (6) the “media has run [him] like a

1 slave”; and (7) the foregoing constitutes “involuntary servitude,” “slavery,” “civil
2 harassment,” and a violation of [his] civil rights [and] the 13th Amendment.” He
3 seeks “10 billion dollars” from the U.S. Government.

4 A paid complaint that is “obviously frivolous” does not confer federal subject
5 matter jurisdiction and may be dismissed *sua sponte* before service of process.

6 Franklin v. Murphy, 745 F.2d 1221, 1227 n.6 (9th Cir. 1984) (citations omitted).¹

7 The court may dismiss a paid complaint *sua sponte* and without notice to the
8 plaintiff if the complaint fails to state a claim and the plaintiff cannot possibly win

9 relief. See Omar v. Sea-Land Service, Inc., 813 F.2d 986, 991 (9th Cir. 1987). A

10 complaint is frivolous if it lacks an arguable basis either in law or in fact. See

11 Neitzke v. Williams, 490 U.S. 319, 325 (1989). Clearly baseless allegations include

12 those that are “fanciful,” “fantastic,” or “delusional.” Denton v. Hernandez, 504

13 U.S. 25, 32-33 (1992). In this case, dismissal is appropriate because the complaint

14 is wholly frivolous.

15 A *pro se* litigant must be given notice of the deficiencies of the complaint and

16 an opportunity to amend the complaint to state a claim unless it is absolutely clear

17 the deficiencies of the complaint cannot be cured by amendment. Karim-Panahi v.

18 Los Angeles Police Dept., 839 F.2d 621, 623 (9th Cir. 1988) (citations, quotations

19 and internal quotations omitted). Dismissal of this action is appropriate because it

20 is clear that the deficiencies of plaintiff’s complaint cannot be cured by amendment.

21 Indeed, aside from the fact that the complaint is wholly frivolous, this action against

22 the U.S. Government, is barred by sovereign immunity. See United States v.

23 Mitchell, 445 U.S. 535, 539 (1980) (United States, as sovereign is immune from

24 suit save as it consents to be sued; waiver must be unequivocally

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27 ¹In addition, “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.’”

28 Hagans v. Lavine, 415 U.S. 528, 536-37 (1974) (citation omitted).

1 expressed); Jachetta v. United States, 653 F.3d 898, 912 (9th Cir. 2011) (federal
2 sovereign immunity bars civil rights violations claims against United States).

3 IT IS THEREFORE ORDERED that the complaint is dismissed without
4 leave to amend, that this action is dismissed with prejudice, and that judgment be
5 entered accordingly.

6 DATED: April 29, 2014

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9 HONORABLE GEORGE H. WU
10 UNITED STATES DISTRICT JUDGE
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