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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEBBRA ANN SMITH,

Plaintiff,

v.

UNITED STATES GOVERNMENT AND
COURT SYSTEM; WASHINGTON DC,

Defendants.

No. 2:16-cv-2937-TLN-KJN PS

FINDINGS AND RECOMMENDATIONS

Plaintiff Debbra Ann Smith, who proceeds in this action without counsel,¹ has requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF No. 2.)

Pursuant to 28 U.S.C. § 1915, the court is directed to dismiss the case at any time if it determines that the allegation of poverty is untrue, or if the action is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against an immune defendant. Furthermore, “[u]nder the substantiality doctrine, the district court lacks subject matter jurisdiction when the question presented is too insubstantial to consider.” Cook v. Peter Kiewit Sons Co., 775 F.2d 1030, 1035 (9th Cir. 1985) (citing Hagans v. Lavine, 415 U.S. 528, 536-39 (1974)). “The claim must be ‘so insubstantial, implausible, foreclosed by prior decisions

¹ This case proceeds before the undersigned pursuant to Local Rule 302(c)(21).

1 of this Court or otherwise completely devoid of merit as not to involve a federal controversy
2 within the jurisdiction of the District Court, whatever may be the ultimate resolution of the
3 federal issues on the merits.’” Id. (quoting Oneida Indian Nation v. County of Oneida, 414 U.S.
4 661, 666 (1974)); see also Apple v. Glenn, 183 F.3d 477, 479 (6th Cir. 1999) (“a district court
5 may, at any time, *sua sponte* dismiss a complaint for lack of subject matter jurisdiction pursuant
6 to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations of a complaint are
7 totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to
8 discussion.”).

9 Here, plaintiff’s 41-page complaint is rambling and largely unintelligible. As best the
10 court can tell, plaintiff claims that the United States Government and Court System owes her \$50
11 million based on alleged various irregularities that occurred in about 17 “trials,” which appear to
12 relate to evictions, name alterations, erroneous information on credit reports, medical insurance
13 policies, Social Security benefits, and alleged failures to appear by district attorneys. It is the
14 court’s policy, consistent with applicable law, to liberally construe the filings of pro se litigants in
15 an attempt to ascertain whether, despite inartful pleading, a potentially viable claim is stated.
16 However, plaintiff’s complaint here is a confusing hodgepodge of generalized grievances, which
17 not only fail to state a claim against the named defendants, but also appear frivolous, and are so
18 insubstantial as to not invoke the court’s subject matter jurisdiction. Furthermore, given the
19 frivolous and insubstantial nature of plaintiff’s allegations, the court finds that granting leave to
20 amend would be futile.

21 Accordingly, IT IS HEREBY RECOMMENDED that:

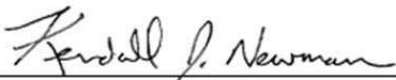
- 22 1. The action be dismissed for lack of subject matter jurisdiction under the substantiality
23 doctrine.
- 24 2. Plaintiff’s motion to proceed *in forma pauperis* (ECF No. 2) be denied as moot.
- 25 3. The Clerk of Court be directed to close this case.

26 These findings and recommendations are submitted to the United States District Judge
27 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14)
28 days after being served with these findings and recommendations, any party may file written

1 objections with the court and serve a copy on all parties. Such a document should be captioned
2 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections
3 shall be served on all parties and filed with the court within fourteen (14) days after service of the
4 objections. The parties are advised that failure to file objections within the specified time may
5 waive the right to appeal the District Court’s order. Turner v. Duncan, 158 F.3d 449, 455 (9th
6 Cir. 1998); Martinez v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

7 IT IS SO RECOMMENDED.

8 Dated: December 27, 2016

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11 KENDALL J. NEWMAN
12 UNITED STATES MAGISTRATE JUDGE
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