

1 of the complaint, if the complaint “is frivolous, malicious, or fails to state a claim upon which
2 relief may be granted,” or “seeks monetary relief from a defendant who is immune from such
3 relief.” *Id.* § 1915A(b).

4 A pro se plaintiff, like other litigants, must satisfy the pleading requirements of Rule 8(a)
5 of the Federal Rules of Civil Procedure. Rule 8(a)(2) “requires a complaint to include a short and
6 plain statement of the claim showing that the pleader is entitled to relief, in order to give the
7 defendant fair notice of what the claim is and the grounds upon which it rests.” *Bell Atl. Corp. v.*
8 *Twombly*, 550 U.S. 544, 554, 562-563 (2007) (citing *Conley v. Gibson*, 355 U.S. 41 (1957)).

9 While the complaint must comply with the “short and plain statement” requirements of Rule 8,
10 its allegations must also include the specificity required by *Twombly* and *Ashcroft v. Iqbal*, 556
11 U.S. 662, 679 (2009).

12 To avoid dismissal for failure to state a claim a complaint must contain more than “naked
13 assertions,” “labels and conclusions” or “a formulaic recitation of the elements of a cause of
14 action.” *Twombly*, 550 U.S. at 555-557. In other words, “[t]hreadbare recitals of the elements of
15 a cause of action, supported by mere conclusory statements do not suffice.” *Iqbal*, 556 U.S. at
16 678.

17 Furthermore, a claim upon which the court can grant relief must have facial plausibility.
18 *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual
19 content that allows the court to draw the reasonable inference that the defendant is liable for the
20 misconduct alleged.” *Iqbal*, 556 U.S. at 678. When considering whether a complaint states a
21 claim upon which relief can be granted, the court must accept the allegations as true, *Erickson v.*
22 *Pardus*, 551 U.S. 89 (2007), and construe the complaint in the light most favorable to the
23 plaintiff, *see Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974).

24 **III. Screening Order**

25 The court has reviewed plaintiff’s complaint (ECF No. 1) pursuant to § 1915A and finds it
26 must be dismissed without leave to amend. Plaintiff claims that the state judge presiding over her
27 criminal proceedings in state court deprived her of her right to trial by ordering a hearing to
28 determine if she is competent. Plaintiff was apparently found to be incompetent, as the judge

1 allegedly ordered that she be forcibly medicated. According to the complaint, defendant Dr.
2 Jackson “is going to be the one who makes the necessary commitment order” ECF No. 1 at
3 5. Plaintiff claims she is “totally competent” and requests an order for “an IMMEDIATE STAY
4 preventing this illegal farce to continue!” *Id.* She also seeks damages for “emotional
5 stress/trauma.” *Id.* This court, however, may not interfere with plaintiff’s state court criminal
6 proceedings if she has an adequate opportunity to raise her constitutional concerns in those
7 proceedings, unless she makes a showing of extraordinary circumstances. *See Younger v. Harris*,
8 401 U.S. 37, 49, 53 (1971). In addition, plaintiff may not maintain a suit for damages in this
9 court if it “would have a substantially disruptive effect upon ongoing state criminal proceedings.”
10 *Mann v. Jett*, 781 F.2d 1448, 1449 (9th Cir. 1986). Although plaintiff alleges that she is not
11 “being produced for court,” she has not alleged extraordinary circumstances or shown that she is
12 unable to raise her constitutional claims in her ongoing state court proceedings. ECF No. 1 at 5.
13 Moreover, any finding in plaintiff’s favor as it pertains to her competency and/or right to a fair
14 trial would necessarily cause a substantial disruption in her ongoing state criminal proceedings.
15 Thus, plaintiff’s action is barred under *Younger* and plaintiff’s complaint must be dismissed
16 without leave to amend. *See Gardner v. Martino*, 563 F.3d 981, 990 (9th Cir. 2009); *Silva v. Di*
17 *Vittorio*, 658 F.3d 1090, 1105 (9th Cir. 2011) (“Dismissal of a pro se complaint without leave to
18 amend is proper only if it is absolutely clear that the deficiencies of the complaint could not be
19 cured by amendment.” (internal quotation marks omitted)); *Doe v. United States*, 58 F.3d 494,
20 497 (9th Cir. 1995) (“[A] district court should grant leave to amend even if no request to amend
21 the pleading was made, unless it determines that the pleading could not be cured by the allegation
22 of other facts.”).

23 Accordingly, IT IS HEREBY ORDERED that:

- 24 1. Plaintiff’s request to proceed in forma pauperis (ECF No. 7, 9) is granted.
- 25 2. Plaintiff shall pay the statutory filing fee of \$350. All payments shall be collected
26 in accordance with the notice to the Butte County Sheriff filed concurrently
27 herewith.

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3. This action is dismissed pursuant to 28 U.S.C. § 1915A.

DATED: September 7, 2017.



EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE