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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD KNUTSON,  
Plaintiff,  
v.  
DEPARTMENT OF THE ARMY, et al.,  
Defendants.

No. 2:17-cv-1997-EFB P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Plaintiff, a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983, has filed an application to proceed in forma pauperis under 28 U.S.C. § 1915. ECF Nos. 2, 5. As discussed below, his application is granted but his complaint must be dismissed without leave to amend.

I. Application to Proceed In Forma Pauperis

Plaintiff’s application and trust fund account statement make the showing required by 28 U.S.C. § 1915(a)(1) and (2). Accordingly, by separate order, the court directs the agency having custody of plaintiff to collect and forward the appropriate monthly payments for the filing fee as set forth in 28 U.S.C. § 1915(b)(1) and (2).

II. Screening Requirements

Although plaintiff is eligible to proceed in forma pauperis the court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or

1 employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must dismiss a complaint  
2 or portion thereof if the prisoner has raised claims that are legally “frivolous or malicious,” that  
3 fail to state a claim upon which relief may be granted, or that seek monetary relief from a  
4 defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1), (2).

5 A claim “is [legally] frivolous where it lacks an arguable basis either in law or in fact.”  
6 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Franklin v. Murphy*, 745 F.2d 1221, 1227-28 (9th  
7 Cir. 1984). “[A] judge may dismiss [in forma pauperis] claims which are based on indisputably  
8 meritless legal theories or whose factual contentions are clearly baseless.” *Jackson v. Arizona*,  
9 885 F.2d 639, 640 (9th Cir. 1989) (citation and internal quotations omitted), superseded by statute  
10 on other grounds as stated in *Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000); *Neitzke*, 490  
11 U.S. at 327. The critical inquiry is whether a constitutional claim, however inartfully pleaded,  
12 has an arguable legal and factual basis. *Id.*

13 “Federal Rule of Civil Procedure 8(a)(2) requires only ‘a short and plain statement of the  
14 claim showing that the pleader is entitled to relief,’ in order to ‘give the defendant fair notice of  
15 what the . . . claim is and the grounds upon which it rests.’” *Bell Atl. Corp. v. Twombly*, 550 U.S.  
16 544, 555 (2007) (alteration in original) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)).  
17 However, in order to survive dismissal for failure to state a claim, a complaint must contain more  
18 than “a formulaic recitation of the elements of a cause of action;” it must contain factual  
19 allegations sufficient “to raise a right to relief above the speculative level.” *Id.* (citations  
20 omitted). “[T]he pleading must contain something more . . . than . . . a statement of facts that  
21 merely creates a suspicion [of] a legally cognizable right of action.” *Id.* (alteration in original)  
22 (quoting 5 Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure*, 1216 (3d  
23 ed. 2004)).

24 “[A] complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to  
25 relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl.*  
26 *Corp.*, 550 U.S. at 570). “A claim has facial plausibility when the plaintiff pleads factual content  
27 that allows the court to draw the reasonable inference that the defendant is liable for the  
28 misconduct alleged.” *Id.* (citing *Bell Atl. Corp.*, 550 U.S. at 556). In reviewing a complaint

1 under this standard, the court must accept as true the allegations of the complaint in question,  
2 *Hospital Bldg. Co. v. Rex Hosp. Trs.*, 425 U.S. 738, 740 (1976), as well as construe the pleading  
3 in the light most favorable to the plaintiff and resolve all doubts in the plaintiff's favor, *Jenkins v.*  
4 *McKeithen*, 395 U.S. 411, 421 (1969).

5 III. Screening Order

6 Plaintiff claims that he “acquired 2 sets of identifying particulars in 1970” and that there is  
7 a question as to whether he is owed ten thousand dollars by way of an unspecified contract with  
8 the United States Department of the Army. ECF No. 1 at 4. Rather than explain the nature of this  
9 contract, he instead proceeds to request that the court make a determination as to whether an  
10 unspecified interrogatory dated September 4, 2017 is “an abuse of process and illegal discovery.”  
11 *Id.*

12 Plaintiff then makes puzzling reference to the 1991 Gulf War. *Id.* at 7. He states that this  
13 conflict coincided with the administration of President George H.W. Bush “pull[ing] the plug on  
14 the general rule of discrimination against the individual, Ronald Knutson.” *Id.* It is entirely  
15 unclear what these allegations are trying to convey.

16 Next, plaintiff states that, in 1986, the California Supreme Court established a  
17 “constructive trust” in his name.<sup>1</sup> *Id.* With respect to this trust, he argues that “the Judicial  
18 Branch . . . may address the purpose of Interests Subject to Lien and Joint Tenancy Interests  
19 under *Schoenfeld v. Norberg*.” *Id.* These allegations are similarly opaque.

20 The remainder of the complaint is even less comprehensible and the court will not  
21 undertake to distill it in this order. Suffice it to say, these allegations consist primarily of  
22 inapposite legal citations and inscrutable logic. *See, e.g., id.* at 8 (“Plaintiff further alleges that in  
23 participating in a contractual or other arrangement (sic) or relationship that has the effect of  
24 subjecting a covered entities contract employee to discrimination, third party have come to rely  
25 on factors that are consistant (sic) with utilizing standards, criteria, or methods of administration

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27 <sup>1</sup> Plaintiff states that he was born “Ronald Thrillkill,” and that the trust is listed under this  
28 name. *Id.* at 6-7.

1 that have the effect of discrimination because of who the plaintiff should know as opposed (sic)  
2 to who he doesn't know.”).

3 It is apparent that plaintiff's complaint must be dismissed. None of his allegations state a  
4 cognizable §1983 claim (indeed, none of his legal arguments are intelligible) and, factually, the  
5 allegations can only be categorized as fanciful. The Supreme Court has held that a complaint is  
6 frivolous if it “embraces not only the inarguable legal conclusion, but also the fanciful factual  
7 allegation.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). A court may dismiss a claim as  
8 frivolous where the factual contentions contained therein are clearly baseless, *id.* at 327, and the  
9 court finds it appropriate to do so in the instant case.

10 The only question that remains is whether that dismissal should be with or without leave  
11 to amend. The Ninth Circuit has held that “[a] pro se litigant must be given leave to amend his or  
12 her complaint unless it is absolutely clear that the deficiencies of the complaint could not be cured  
13 by amendment.” *Noll v. Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1987) (internal quotation marks  
14 and citations omitted). The disjointed, unintelligible nature of plaintiff's complaint convinces the  
15 court that further attempts to refine these allegations would not be fruitful. There is simply no  
16 version of these facts and arguments which can be shaped into a valid claim.

#### 17 IV. Conclusion

18 Accordingly, it is hereby ORDERED that:

- 19 1. Plaintiff's application to proceed in forma pauperis (ECF No. 2) is GRANTED;
- 20 2. Plaintiff shall pay the statutory filing fee of \$350. All payments shall be collected  
21 in accordance with the notice to the California Department of Corrections and Rehabilitation filed  
22 concurrently herewith; and
- 23 3. The Clerk is directed to randomly assign a United States District Judge to this  
24 case.

25 Further, it is RECOMMENDED that plaintiff's complaint (ECF No. 1) be DISMISSED  
26 without leave to amend as frivolous.

27 These findings and recommendations are submitted to the United States District Judge  
28 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days

1 after being served with these findings and recommendations, any party may file written  
2 objections with the court and serve a copy on all parties. Such a document should be captioned  
3 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections  
4 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*  
5 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

6 Dated: July 3, 2018.

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8 EDMUND F. BRENNAN  
9 UNITED STATES MAGISTRATE JUDGE  
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