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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LIUDMYLA IEGOROVA,
Plaintiff,
v.
MIKE PENCE,
Defendant.

No. 2:19-cv-0729-MCE-EFB PS

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff seeks leave to proceed *in forma pauperis* pursuant to 28 U.S.C. 1915.¹ Her declaration makes the showing required by 28 U.S.C. §1915(a)(1) and (2). *See* ECF No. 2. Accordingly, the request to proceed *in forma pauperis* is granted. 28 U.S.C. § 1915(a).

Determining that plaintiff may proceed *in forma pauperis* does not complete the required inquiry. Pursuant to § 1915(e)(2), the court must dismiss the case at any time if it determines 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. As discussed below, plaintiff’s complaint must be dismissed for failure to state a claim.

Although pro se pleadings are liberally construed, *see Haines v. Kerner*, 404 U.S. 519, 520-21 (1972), a complaint, or portion thereof, should be dismissed for failure to state a claim if it

¹ This case, in which plaintiff is proceeding *in propria persona*, was referred to the undersigned under Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1).

1 fails to set forth “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl.*
2 *Corp. v. Twombly*, 550 U.S. 544, 554, 562-563 (2007) (citing *Conley v. Gibson*, 355 U.S. 41
3 (1957)); *see also* Fed. R. Civ. P. 12(b)(6). “[A] plaintiff’s obligation to provide the ‘grounds’ of
4 his ‘entitlement to relief’ requires more than labels and conclusions, and a formulaic recitation of
5 a cause of action’s elements will not do. Factual allegations must be enough to raise a right to
6 relief above the speculative level on the assumption that all of the complaint’s allegations are
7 true.” *Id.* (citations omitted). Dismissal is appropriate based either on the lack of cognizable
8 legal theories or the lack of pleading sufficient facts to support cognizable legal theories.
9 *Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir. 1990).

10 Under this standard, the court must accept as true the allegations of the complaint in
11 question, *Hospital Bldg. Co. v. Rex Hosp. Trustees*, 425 U.S. 738, 740 (1976), construe the
12 pleading in the light most favorable to the plaintiff, and resolve all doubts in the plaintiff’s favor,
13 *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1969). A pro se plaintiff must satisfy the pleading
14 requirements of Rule 8(a) of the Federal Rules of Civil Procedure. Rule 8(a)(2) requires a
15 complaint to include “a short and plain statement of the claim showing that the pleader is entitled
16 to relief, in order to give the defendant fair notice of what the claim is and the grounds upon
17 which it rests.” *Twombly*, 550 U.S. at 555 (citing *Conley v. Gibson*, 355 U.S. 41 (1957)).

18 Plaintiff’s complaint consists of fanciful and disjointed allegations that fail to state a claim
19 upon which relief can be granted. For instance, plaintiff alleges that the President Donald Trump
20 and the United States government have “committed crimes against life, health, [and] personal
21 property” in violation of 18 U.S.C. § 241. ECF No. 1 at 2. In that regard, President Trump
22 allegedly directed government officials to steal numerous letters from plaintiff’s “post box inside
23 United Nations building in New York before and after April 2017.” *Id.* The complaint further
24 alleges that President Trump stopped payments of plaintiff’s Supplemental Security Income
25 benefits and made cash payments to “USA citizens in Zurich and Geneva in Swiss hotels.” *Id.*
26 Plaintiff also alleges that defendant Vice President Mike Pence supports crimes “of cash economy
27 in USA.” *Id.* at 3. She also alleges that she was “removed from HUD property in Sacramento
28 without” a court hearing in order to cause her “fatal damage nerves insulin resistant.” *Id.*

1 The only claim plaintiff asserts is for violation of 18 U.S.C. § 241, which is a criminal
2 statute that does not provide a private right of action. *See Allen v. Gold Country Casino*, 464 F.3d
3 1044, 1048 (9th Cir.2006) (affirming the dismissal claims under 18 U.S.C. § 241 because it is a
4 “criminal statute[] that do not give rise to civil liability”). Furthermore, plaintiff’s allegations are
5 fanciful and frivolous, and could not plausibly support a claim against for relief. *Denton v.*
6 *Hernandez*, 504 U.S. 25, 33 (1992) (“[A] finding of factual frivolousness is appropriate when the
7 facts alleged rise to the level of the irrational or the wholly incredible . . .”). Therefore, it is
8 recommended that plaintiff’s complaint be dismissed without leave to amend. *See Noll v.*
9 *Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1987) (while the court ordinarily would permit a pro se
10 plaintiff to amend, leave to amend should not be granted where it appears amendment would be
11 futile); *California Architectural Bldg. Prod. v. Franciscan Ceramics*, 818 F.2d 1466, 1472 (9th
12 Cir. 1988) (“Valid reasons for denying leave to amend include undue delay, bad faith, prejudice,
13 and futility.”).

14 Accordingly, IT IS ORDERED that plaintiff’s request for leave to proceed *in forma*
15 *pauperis* (ECF No. 2) is granted.

16 Further, it is RECOMMENDED that plaintiff’s complaint be dismissed without leave to
17 amend, and the Clerk be directed to close the case.

18 These findings and recommendations are submitted to the United States District Judge
19 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
20 after being served with these findings and recommendations, any party may file written
21 objections with the court and serve a copy on all parties. Such a document should be captioned
22 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
23 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
24 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

25 DATED: July 17, 2019.

26 
27 EDMUND F. BRENNAN
28 UNITED STATES MAGISTRATE JUDGE