

1 On May 21, 2012, Plaintiff, proceeding *pro se*, filed suit in small claims court in the County
2 of Contra Costa Superior Court, naming Social Security¹ [sic], Contra Costa County, and the City of
3 Richmond as defendants. (Notice of Removal Ex. 1 at 1-2.) In her complaint she alleges that
4 Defendants owe her \$10,000 due to the following:

5 Because of nonsense with my body and House area surroundings/neighborhood
6 smaller, unit that get [sic] smaller . . . pain everyday. Stuff that can't be treated with
7 pills and machines. Fake medical practice[;] ex: buying clothes and they look
8 different when you get it Home or smaller size[,] Ex: Sleeping and it feels like I'm
9 having sex and I wake up in pain like I'm on my period[,] Ex: Back hurting like I
10 Been In a car accident I catch the Bus I was sleep.

11 (Notice of Removal Ex. 1 at 2.) SSA removed the action to this Court on June 21, 2012. (Notice of
12 Removal.)

13 SSA now moves the court to dismiss Plaintiff's complaint on the following grounds:

14 Plaintiff's complaint: (1) does not explain the grounds upon which the court's
15 jurisdiction depends; (2) does not show that the pleader is entitled to relief; (3) fails to
16 demonstrate that this Court has any jurisdiction because: (a) Plaintiff's purported
17 "claim" does not appear to "arise under" any federal law or the United States
18 Constitution, (b) there does not appear to be a case or controversy, (c) the case is not
19 one described by any jurisdictional statute, (d) Plaintiff does not demonstrate that she
20 has exhausted administrative remedies; (4) Plaintiff has failed to state a claim upon
21 which relief may be granted; and (5) Plaintiff's Complaint is delusional and frivolous.

22 (Fed. Def.'s Mot. Dismiss 2.) The parties have consented to this court's jurisdiction pursuant to 28
23 U.S.C. § 636(c), [Docket Nos. 7, 9-10, 12], and the court may enter judgment in the case. *See* 28
24 U.S.C. § 636(c)(1); Fed. R. Civ. P. 72(b); N.D. Cal. Civ. L.R. 72-1.

25 **II. Legal Standard**

26 Federal courts are courts of limited jurisdiction and are "presumed to lack jurisdiction in a
27 particular case unless the contrary affirmatively appears." *Stock W., Inc. v. Confederated Tribes of*
28 *the Colville Reservation*, 873 F.2d 1221, 1225 (9th Cir. 1989) (citations omitted). A court will
dismiss a party's claim for lack of subject-matter jurisdiction "only when the claim is so
insubstantial, implausible, foreclosed by prior decisions of th[e Supreme] Court, or otherwise
completely devoid of merit as not to involve a federal controversy." *Steel Co. v. Citizens for a*

¹ The SSA interpreted "Social Security" as an indication that Plaintiff sought to bring suit against
the agency or, if the claim arose from the Federal Tort Claims Act, the United States. (Fed. Def.'s Mot.
Dismiss 1 n.1.)

1 *Better Env't*, 523 U.S. 83, 89 (1998) (citation and quotation marks omitted); *see* Fed. R. Civ. P.
2 12(b)(1).

3 **III. Discussion and Conclusion**

4 Plaintiff's claims are incomprehensible and devoid of merit. Even under the most liberal
5 construction, the complaint fails to present any cognizable case or controversy over which the Court
6 could have subject matter jurisdiction to adjudicate. The court therefore dismisses the complaint
7 without leave to amend.² *See Adams v. Vidiera*, No. 00-4586 CRB, 2001 WL 277966, at *5 (N.D.
8 Cal. Mar. 16, 2001) (not reported in F. Supp. 2d) (dismissing *pro se* plaintiff's complaint with
9 prejudice because it did "not state[] a coherent claim against any of the defendants"); *Stoddard*
10 *Estate v. Pinkerton Sec. Serv.*, No. 97-2653 VRW, 1997 WL 732549, at *2-3 (N.D. Cal. Nov. 12,
11 1997) (not reported in F. Supp.) (dismissing *pro se* plaintiff's case with prejudice because of its
12 "delusional and incoherent pleading").³

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15 IT IS SO ORDERED.

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17 Dated: August 6, 2012



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27 ² The court advises Plaintiff that if by chance she wishes to appeal an adverse Social Security
Administration decision, she must appeal that decision to the agency.

28 ³ Plaintiff's administrative motion to reinstate the hearing date for this motion is denied as moot.