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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

JACQUELINE WATSON,  
Plaintiff,  
vs.  
YUSEFF YUSEFF, et al.,  
Defendants.

Case No: C 17-3888 SBA

**ORDER DISMISSING ACTION**

On July 10, 2017, Plaintiff Jacqueline Watson, proceeding pro se, filed the instant action against Dr. Yuseff Yuseff and William Dugoni as Defendants. The core allegations of the short Complaint are as follows:

I need you to look into the illegal computer chip that was put into my ovaries in 2007 year and I have some camera that are inside of me (Illegal)[.]

I'm afraid for my life and my kids Jamila Cooksey and Rasheeda Slaam[.]

[N]eed a Judge to see me ASAP[.]

[N]eed to move out of the Richerson Apt 365 Fulton Street #312 San Francisco, CA 94102.

Compl. at 1, Dkt. 1. Along with the Complaint, Plaintiff filed a request to proceed in forma pauperis ("IFP"). Dkt. 3.

The action was originally assigned to Magistrate Judge Elizabeth LaPorte, who granted Plaintiff's IFP request, but indicated that the matter of the issuance of summons and service would be addressed separately. Dkt. 7. Plaintiff subsequently declined to consent to the jurisdiction of a magistrate judge, which resulted in reassignment of the action to this Court along with recommendation by Magistrate Judge LaPorte to dismiss the

1 action as frivolous. Dkt. 13, 16.<sup>1</sup>

2 Under 28 U.S.C. § 1915(e)(2), federal courts are authorized to pre-screen claims  
3 filed IFP prior to service and to dismiss the case at any time if the court determines, inter  
4 alia, that the action is frivolous or malicious. A court may dismiss a suit for frivolousness  
5 if the complaint presents an “indisputably meritless legal theory” or if the “factual  
6 contentions are clearly baseless,” such as when they describe “fantastic or delusional  
7 scenarios.” Neitzke v. Williams, 490 U.S. 319, 327-28 (1989). A finding of frivolousness  
8 is a “decision entrusted to the discretion of the court entertaining the in forma pauperis  
9 petition.” Denton v. Hernandez, 504 U.S. 25, 33 (1992). When a court dismisses a  
10 complaint under § 1915(e), the plaintiff should be given leave to amend with directions as  
11 to curing its deficiencies, unless it is clear from the face of the pleadings that the  
12 deficiencies could not be cured by amendment. See Cato v. United States, 70 F.3d 1103,  
13 1106 (9th Cir. 1995).

14 Here, Plaintiff’s claims that some unidentified person or persons implanted a  
15 computer chip into her ovaries and placed a camera inside of her are facially untenable.  
16 E.g., Curtis v. FBI, No. 216CV01586RFBPAL, 2017 WL 2695297, at \*2 (D. Nev. June 21,  
17 2017) (finding the plaintiff’s allegations that the FBI “used biologic pathogens and  
18 biological chemicals and weapons on him and put cables and electrical DNA strips on him  
19 to electrify him 24-hours a day” were delusional and subject to dismissal); Carrasco v. U.S.  
20 Gov’t Justice Dep’t Strike Force, 792 F. Supp. 603 (N.D. Ill. 1992) (dismissing IFP action  
21 where the government allegedly surgically placed a monitoring device in plaintiff’s brain to  
22 record his dreams for law enforcement agencies and made him an experiment for sex  
23 therapy); Golden v. Clinton, No. C 94-0499 EFL, 1994 WL 118280, at \*1 (N.D. Cal. Mar.  
24 23, 1994) (dismissing IFP complaint which alleged a “fantastic and delusional scenario in  
25 which various public and private officials have conspired to control and harass him

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27 <sup>1</sup> Typically, a party has fourteen days to object to a magistrate judge’s report and  
28 recommendation. 28 U.S.C. § 636(b)(1). However, since the action has been reassigned,  
the Court independently exercises its discretion under § 1915(e)(2) to review the  
Complaint.

1 remotely through electronic and ‘telemetric’ devices”). Given the fantastical nature of  
2 Plaintiff’s claims in this action, the Court dismisses the instant Complaint. See Denton,  
3 504 U.S. at 32-33 (holding that the court may dismiss claims that “rise to the level of the  
4 irrational or the wholly incredible”). Because no amendment would cure such deficiency,  
5 said dismissal is without leave to amend.

6 Finally, for the benefit of Plaintiff, the Court notes that because a dismissal under  
7 § 1915 “is not a dismissal on the merits, but rather an exercise of the court’s discretion  
8 under the in forma pauperis statute, the dismissal does not prejudice the filing of a paid  
9 complaint making the same allegations.” Denton, 504 U.S. at 34. Accordingly,

10 IT IS HEREBY ORDERED THAT the instant action is DISMISSED without leave  
11 to amend, pursuant to 28 U.S.C. § 1915(e)(2)(B). The instant dismissal is without  
12 prejudice to Plaintiff’s right to bring her claims in a paid complaint. The Clerk shall close  
13 the file and terminate any pending matters. The Court certifies that any appeal taken from  
14 this ruling would not be in “good faith” within the meaning of 28 U.S.C. § 1915(a)(3).

15 IT IS SO ORDERED.

16 Dated: 07/25/17

  
SAUNDRA BROWN ARMSTRONG  
Senior United States District Judge

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