

1 IFP (Doc. No. 2) is **GRANTED**.

2 **Sua Sponte Review of the Complaint**

3 The court is obligated to review a complaint filed IFP and must dismiss if the action is
4 frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief
5 against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B); see also Calhoun v.
6 Stahl, 254 F.3d 845 (9th Cir. 2001). “[W]hen determining whether a complaint states a claim, a court
7 must accept as true all allegations of material fact and must construe those facts in the light most
8 favorable to the plaintiff.” Resnick v. Hayes, 213 F.3d 443, 447 (9th Cir. 2000). However, the court
9 does not have to accept as true allegations that “are contradicted by the record, inherently incredible,
10 or conclusions rather than statements of fact.” United States v. Michaud, 925 F.2d 37, 39 (1st Cir.
11 1991).

12 In her Complaint, Plaintiff alleges she invented all the products and services offered by the
13 Defendant companies through her “Creative Brilliance, High Ideals and Ideologies,” the companies
14 “I Chinged” into her mind, stole these ideas, and now run their businesses without her legal
15 authorization. According to Plaintiff, the Defendants use “I Ching” (which she herself invented at a
16 young age) to “abuse [her] mind and body,” “monitor [her] in every aspect of [her] life,” alter her
17 appearance, and generally take credit and financial gain from her ideas. Plaintiff seeks \$50 billion in
18 damages to compensate her for alleged “Loss of Intellectual Property, Fraud, Loss of Income, Loss
19 of Financial Property, Distress, Mental and Physical distress, Civil Rights, Loss of Business
20 Ownership,” “Abuse, Civil Harassment, Sexual Harassment, Mental and Physical Abuse, ... Mental
21 and Physical Exhaustion, Stress, Loss in ability to enjoy life, ... strife, anxiety, depression, Humanity,
22 [and] Human Rights.”


23 The court concludes Plaintiff’s allegations are “inherently incredible,” and that her Complaint
24 is frivolous and fails to state a claim upon which relief may be granted. Furthermore, she has not set
25 forth a short and plain statement of her claim and thus, she also fails to satisfy the basic pleading
26 requirements under Federal Rule of Civil Procedure 8(a). Although leave to amend should be granted
27 freely for *pro se* litigants, it need not be granted where doing so would be an “exercise in futility.”
28 See Steckman v. Hart Brewing, Inc., 143 F.3d 1293, 1298 (9th Cir. 1998). The court finds granting

1 leave to amend in this case would be futile and denies leave to amend accordingly.

2 Based on the foregoing, Plaintiff's request to proceed IFP (Doc. No. 2) is **GRANTED** and the
3 complaint is **DISMISSED WITH PREJUDICE**.

4 **IT IS SO ORDERED.**

5 DATED: May 5, 2009

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7 Hon. Jeffrey T. Miller
United States District Judge

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