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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

MONTOREY DANYELL HARPER,
Military Leader UNI Star General
Montorey LLC,

Plaintiff,

v.

US; NATO; and, UN,

Defendants.

CASE NO. 17cv1586-WQH-KSC
ORDER

HAYES, Judge:

On August 8, 2017, Plaintiff Montorey Danyell Harper initiated this action by filing a complaint and a motion to proceed in forma pauperis. (ECF Nos. 1, 2).

I. Motion to Proceed In Forma Pauperis

All parties instituting a civil action, suit, or proceeding in a district court of the United States, other than a petition for writ of habeas corpus, must pay a filing fee of \$400.00. *See* 28 U.S.C. § 1914(a); CivLR 4.5. An action may proceed despite a party's failure to pay only if the party is granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a). *See Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). "To proceed in forma pauperis is a privilege not a right." *Smart v. Heinze*, 347 F.2d 114, 116 (9th Cir. 1965).

After considering Plaintiff's motion and affidavit, the Court determines that Plaintiff cannot afford to pay the filing fee in this case and is eligible to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a).

1 **II. Initial Screening of the Complaint**

2 A complaint filed by any person proceeding in forma pauperis pursuant to 28
3 U.S.C. § 1915(a) is also subject to mandatory review and sua sponte dismissal to the
4 extent it “is frivolous or malicious; fails to state a claim on which relief may be granted;
5 or seeks monetary relief from a defendant who is immune from such relief.” 28 U.S.C.
6 § 1915(e)(2)(B); *see Lopez v. Smith*, 203 F.3d 1122, 1126 (9th Cir. 2000) (en banc).
7 The standard used to evaluate whether a complaint states a claim is a liberal one,
8 particularly when the action has been filed pro se. *See Estelle v. Gamble*, 429 U.S. 97,
9 106 (1976). However, even a “liberal interpretation . . . may not supply elements of the
10 claim that were not initially pled.” *Ivey v. Bd. of Regents of the Univ. of Alaska*, 673
11 F.2d 266, 268 (9th Cir. 1982). “[P]ro se litigants are bound by the rules of procedure.”
12 *Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995). Federal Rule of Civil Procedure 8
13 provides that “[a] pleading that states a claim for relief must contain ... a short and plain
14 statement of the claim showing that the pleader is entitled to relief....” Fed. R. Civ. P.
15 8(a)(2). “[A] plaintiff’s obligation to provide the grounds of his entitlement to relief
16 requires more than labels and conclusions, and a formulaic recitation of the elements
17 of a cause of action will not do.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)
18 (quotation omitted).

19 The complaint states in part, that “SHAKERS ARE LYERS AND LITTER ALL
20 SOCIETIES” and

21 THIS IS THE GOVERNMENT CLAIM FOR DISABILITY AND
22 CLAIMS FOR DAMAGES AS THES PEOPLE ARE ODD IN SOCIETY
23 AND APPEAR AS CRIMINALS BUT ARE. THIS MAENS THAT
24 THEY WANT YOU TO ONLY ASSUME BUT TO THEN BE
25 ASSUALTED BY THE REAL TRUE NATURE OF WHO THEY ARE
AND IT IS HELL. THIS MEANS IT IS HELL TO LIVE IN THE US
AND IT IS HELL TO LIVE IN THE WORLDS SOCIETIES. SO, THIS
IS SERIOUS AND ON PURPOSE AND INTENTIONAL. THEREFORE,
THE PLAINTIFF DEMANDS AN UNLIMITED AMOUNT.

26 (ECF No. 1).

27 The Court has reviewed the allegations of the complaint and cannot determine
28 under what legal theory Plaintiff’s complaint arises. The Court concludes that the

1 allegations of the complaint are vague and lack an arguable basis in law or fact.
2 Plaintiff fails to allege “sufficient factual matter, accepted as true, to ‘state a claim to
3 relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662. 678 (2009)
4 (quoting *Twombly*, 550 U.S. at 570). The complaint is dismissed pursuant to 28 U.S.C.
5 § 1915(e)(2)(B)(I).

6 **IV. Conclusion**

7 IT IS HEREBY ORDERED that Plaintiff’s motion to proceed in forma pauperis
8 is GRANTED. (ECF No. 2).

9 IT IS HEREBY ORDERED that the complaint is dismissed. (ECF No. 1). The
10 Clerk of Court is directed to close the case.

11 DATED: August 14, 2017

12 
13 **WILLIAM Q. HAYES**
14 United States District Judge

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