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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 IRINA COLLIER,
12 Plaintiff,
13 v.
14 ROBERTSONS et al.,
15 Defendants.
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Case No.: 23-cv-368-GPC

**ORDER GRANTING PLAINTIFF'S
MOTION TO PROCEED IN FORMA
PAUPERIS; SUA SPONTE
DISMISSING COMPLAINT; AND
DENYING MOTION TO APPOINT
COUNSEL AS MOOT**

[ECF Nos. 2, 3]

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19 On February 27, 2023, Plaintiff Irina Collier (“Collier” or “Plaintiff”), proceeding
20 pro se, filed a Complaint against Defendants “Robertsons et al” (“Defendants”).¹ ECF
21 No. 1. Plaintiff concurrently filed a Motion to Proceed *in forma pauperis* (“IFP”) and a
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24 ¹ The Court is unable to decipher exactly who Plaintiff filed suit against. The first page of
25 her Complaint identifies the Defendants as “Robertsons et al.” ECF No. 1 at 1. The Civil
26 Cover Sheet says “Robinsons et al,” which seems to include U.S. District Court Judge
27 Todd Robinson; San Diego County Superior Court Judge Alana Robinson; and “Lawyer
28 Chad White.” ECF No. 1-1.

1 Motion to Appoint Counsel. ECF Nos. 2, 3. For the reasons below, the Court **GRANTS**
2 Plaintiff's Motion to Proceed IFP; *sua sponte* **DISMISSES** Plaintiff's Complaint for
3 failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); and **DENIES** Plaintiff's
4 Motion to Appoint Counsel as MOOT.

5 **I. Motion to Proceed *In Forma Pauperis***

6 All parties instituting any civil action, suit, or proceeding in a United States
7 District Court, except an application for writ of habeas corpus, must pay a filing fee of
8 \$402. *See* 28 U.S.C. § 1914(a).² An action may proceed despite a plaintiff's failure to
9 prepay the entire fee only if she is granted leave to proceed IFP pursuant to § 1915(a).
10 *See Andrews v. Cervantes*, 493 F.3d 1047, 1051 (9th Cir. 2007); *Rodriguez v. Cook*, 169
11 F.3d 1176, 1177 (9th Cir. 1999). The plaintiff must submit an affidavit demonstrating her
12 inability to pay the filing fee, and the affidavit must include a complete statement of the
13 plaintiff's assets. 28 U.S.C. § 1915(a)(1). "To satisfy the requirements of 28 U.S.C. §
14 1915, applicants must demonstrate that because of poverty, they cannot meet court costs
15 and still provide themselves, and any dependents, with the necessities of life." *Soldani v.*
16 *Comm'r of Soc. Sec.*, 2019 WL 2160380, at *1 (E.D. Cal. Jan. 31, 2019). Courts may
17 consider the federal poverty guidelines set by the United States Department of Health and
18 Human Services as well as income in the context of overall expenses and other factors,
19 including savings and debts, in ruling on IFP applications. *McKinley v. Cnty. of Fresno*,
20 2021 WL 3007162, at *1 (E.D. Cal. July 15, 2021).

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24 ² Effective December 1, 2020, civil litigants must pay an additional administrative fee of
25 \$52, in addition to the \$350 filing fee set by statute. *See* 28 U.S.C. § 1914(a) (Judicial
26 Conference Schedule of Fees, District Court Misc. Fee Schedule, § 14 (eff. Dec. 1,
27 2020)). The \$52 administrative fee does not apply to persons granted leave to proceed
28 IFP. *Id.*

1 Here, the Court finds IFP status is appropriate. Plaintiff's affidavit shows that she
2 receives \$6,640 in alimony each month. ECF No. 2 at 1. She states she has not been
3 employed in the past two years and has no money in a checking account. *Id.* at 2. Plaintiff
4 also states she is "in debt every month" and that she does not have enough money for
5 "food and transport and medical care." *Id.* at 5. Thus, the Court finds that Plaintiff has
6 proven she cannot meet court costs and still provide the "necessities of life" for herself
7 and her dependent son. *Soldani*, 2019 WL 2160380, at *1. The Court **GRANTS**
8 Plaintiff's Motion to Proceed IFP.

9 **II. Sua Sponte Dismissal Pursuant to 28 U.S.C. § 1915(e)(2)**

10 A complaint filed by any person proceeding IFP pursuant to 28 U.S.C. § 1915(a) is
11 subject to mandatory *sua sponte* review and dismissal by the Court if it is "frivolous, or
12 malicious; fails to state a claim upon which relief may be granted; or seeks monetary
13 relief against a defendant immune from such relief." 28 U.S.C. § 1915(e)(2)(B); *Calhoun*
14 *v. Stahl*, 254 JF.3d 845, 845 (9th Cir. 2001) ("[T]he provisions of 28 U.S.C. §
15 1915(e)(2)(B) are not limited to prisoners."); *Lopez v. Smith*, 203 F.3d 1122, 1126-27
16 (9th Cir. 2000). 28 U.S.C. § 1915(e)(2) mandates that a court reviewing a complaint filed
17 pursuant to the IFP provisions of 28 U.S.C. § 1915 rule on its own motion to dismiss
18 before directing that the complaint be served by the U.S. Marshal pursuant to Federal
19 Rule of Civil Procedure 4(c)(2). *Lopez*, 203 F.3d at 1127.

20 The requirements under 28 U.S.C. § 1915(e)(2)(B)(ii) are analogous to those under
21 Federal Rule of Civil Procedure ("Rule") 12(b)(6). Under Rule 8(a)(2), a pleading must
22 contain "a short and plain statement of the claim showing that the pleader is entitled to
23 relief." Fed. R. Civ. P. 8(a)(2). While a plaintiff need not give "detailed factual
24 allegations," a plaintiff must plead sufficient facts that, if true, raise a right to relief above
25 the speculative level." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 545 (2007). To state
26 a claim upon which relief may be granted "a complaint must contain sufficient factual
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1 matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft*
2 *v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Twombly*, 550 U.S. at 547). A claim is
3 facially plausible when the factual allegations permit “the court to draw the reasonable
4 inference that the defendant is liable for the misconduct alleged.” *Id.*

5 Plaintiff’s Complaint is difficult to understand. The Complaint caption states the
6 case is for “misuse of the Government privilege to seal to cover up crimes, 13th
7 violations, DVRO violations, [illegible].” ECF No. 1 at 1. She states that “[a]ll of the
8 Defendants in this and the related cases conspired in attempted elimination of the
9 Plaintiff’s family as part of the clandestine internal terror activity, theologically based.”
10 *Id.* at 2. She requests that the Court “apply ex parte law in DVRO violations,” “stop
11 Robinsons et al. from misusing VA military power to injure Plaintiff’s family with intent
12 to eliminate,” “investigate the misuse of government seal,” “subpoena internal
13 investigations in this and all prior enclosed cases,” “unmask undercover agents used by
14 the opposition to subvert state and US laws,” “stop pre-meditated deadly harms to the
15 Plaintiff’s family,” “stop online education scam,” “apply rules of law and rules of
16 evidence,” “vacate arrest of plaintiff, habeas corpus law was broken,”³ “unmask Chad
17 White as a lawyer for the opposition,” “restrain co-conspirators and their lawyers
18 engaged in breaking all laws in their [illegible] in order to harm Plaintiff’s family.” *Id.* at
19 3-4.

20 28 U.S.C. § 1915(e)(2)(B)(i) allows courts to dismiss a claim filed IFP if it is
21 frivolous. A complaint is frivolous where “it lacks an arguable basis either in law or in
22 fact.” *Nietzke v. Williams*, 490 U.S. 319, 325 (1989). In the most succinct form,
23 Plaintiff’s Complaint appears to allege that the Defendants “united to cover up crimes of
24 internal terrorism.” *Id.* at 1. The Civil Cover Sheet alleges violations of 10 U.S.C. § 920,

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27 ³ Plaintiff does not appear to be presently incarcerated.

1 18 U.S.C. § 1017, 18 U.S.C. § 77, VAWA Act. ECF No. 1-1. She states that the
2 government misused the “privilege seal to cover up rape.” *Id.* Because the Court
3 struggles to make sense of the factual allegations and legal theories Plaintiff intends to
4 pursue, the Court finds her factual allegations do not support any cause of action and her
5 legal conclusions do not seem viable.

6 Further, IFP complaints that are “[d]uplicative or repetitious litigation of virtually
7 identical causes of action [are] subject to dismissal.” *Anderson Adams v. Hernandez*,
8 1993 WL 548812, at *2 (N.D. Cal. Dec. 21, 1993). “Where a plaintiff repeats pending or
9 previously litigated claims, it is proper to dismiss it as frivolous under 28 U.S.C. § 1915.”
10 *Collier v. Collier*, 2023 WL 1767012, at *3 (S.D. Cal. Feb. 3, 2023) (citing *Cato v.*
11 *United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995)). “[I]n assessing whether the
12 second action is duplicative of the first, [courts] examine whether the causes of action
13 and relief sought, as well as the parties or privies to the action, are the same.” *Id.*
14 (quoting *Adams v. Cal. Dep’t of Health Servs.*, 487 F.3d 684, 689 (9th Cir. 2007)).

15 As stated by Judge Sabraw, Plaintiff Collier’s claims “are not new to the federal
16 courts.” *Collier*, 2023 WL 1767012, at *3. Plaintiff has brought “nearly identical claims
17 before the Northern District of California, the Ninth Circuit, the Federal Circuit, and the
18 United States Supreme Court.” *Id.* In addition, Plaintiff has brought multiple actions in
19 the Southern District of California. *See e.g., Collier v. White*, 23-cv-385 (S.D. Cal.);
20 *Collier v. Collier*, 23-cv-170 (S.D. Cal.). In this action, Plaintiff brings suit against Judge
21 Todd Robinson, Judge Alana Robinson, and Lawyer Charles White—Defendants Judge
22 Todd Robinson and Judge Alana Robinson have not been sued in this District; however,
23 Chad White has been sued by Plaintiff in this District. *See Collier v. White*, 23-cv-385
24 (S.D. Cal.). Although it is difficult to make out Plaintiff’s cause(s) of action, it appears
25 this action, like the others filed by Collier, “stem[s] from a California family law matter.”
26 *Collier*, 2023 WL 1767012, at *3. Plaintiff seems to allege various federal violations
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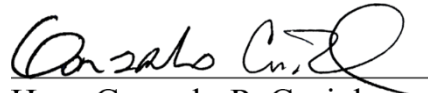
1 (e.g., 10 U.S.C. § 920; VAWA, (*see* ECF No. 1-1)), but “the underlying conduct stems
2 from an alleged disagreement regarding child custody.” *Id.* These claims have been
3 presented in this District and others, and have repeatedly been dismissed as frivolous.
4 Thus, the Court finds Plaintiff’s Complaint shall be **DISMISSED WITH PREJUDICE**
5 and without leave to amend. *See Lopez v. Smith*, 203 F.3d 1122, 1127 n.8 (9th Cir. 2000)
6 (“When a case may be classified as frivolous or malicious, there is, by definition, no
7 merit to the underlying action and so no reason to grant leave to amend.”).

8 **CONCLUSION**

9 For the reasons above, Plaintiff’s Motion to Proceed IFP is **GRANTED**, and the
10 Complaint is **DISMISSED WITH PREJUDICE** and without leave to amend. Plaintiff’s
11 Motion for Appointment of Counsel is hereby **DENIED** as MOOT.

12 **IT IS SO ORDERED.**

13 Dated: March 14, 2023

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15 Hon. Gonzalo P. Curiel
16 United States District Judge
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