

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

HARVEY WILLIAM HUGUNIN

Plaintiff,

v.

J.P. MORGAN CHASE BANK, N.A.

Defendant.

Case No. 1:19-CV-423-BLW

**MEMORANDUM DECISION
AND ORDER**

INTRODUCTION

The Court has before it plaintiff's application to proceed without payment of fees. For the reasons explained below, the Court will deny the application and dismiss this case.

ANALYSIS

The Court is required to screen complaints brought by litigants who seek in forma pauperis status. *See* 28 U.S.C. § 1915(e)(2). Plaintiff's Complaint, or a portion thereof, will be dismissed if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief can be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(B)(i-iii). To state a claim upon which relief can be granted, plaintiff's Complaint must include facts sufficient to show a plausible claim

for relief. *See Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009). During this initial review, courts generally construe pro se pleadings liberally, giving pro se plaintiffs the benefit of any doubt. *See Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000).

Additionally, if amending the complaint would remedy the deficiencies, plaintiffs should be notified and provided an opportunity to amend. *See Jackson v. Carey*, 353 F.3d 750, 758 (9th Cir. 2003).

In this case, plaintiff complains that J.P. Morgan Chase Bank N.A. is five months overdue on its obligation to send him his money – specifically \$236.00 – from a checking account he closed with the Bank. He asks the Court to order the Bank to pay the money and any additional sum that is reasonable.

Plaintiff claims jurisdiction based on federal jurisdiction but only cites criminal statutes that are not applicable here. If the case is instead based on diversity it fails to satisfy the amount-in-controversy requirement. Because there is no conceivable basis for federal jurisdiction, the lawsuit is frivolous and no purpose would be served by allowing amendment of the complaint. The Court will therefore order the matter be dismissed.

ORDER

In accordance with the Memorandum Decision set forth above,
NOW THEREFORE IT IS HEREBY ORDERED, that that this action be
DISMISSED WITH PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B)(i-iii), without
leave to amend.

IT IS FURTHER ORDERED, that the Petition to Proceed in Forma Pauperis
(docket no. 1) is DEEMED MOOT.

IT IS FURTHER ORDERED, that the Clerk close this case.



DATED: December 6, 2019

B. Lynn Winmill

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U.S. District Court Judge