

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

YOHONIA MONIQUE MARTIN,)
)
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Plaintiff,)
)
)
v.) No. 4:16-CV-1344 NAB
)
)
WELLS FARGO ADVISORS,)
)
)
Defendant.)

MEMORANDUM AND ORDER

Plaintiff seeks leave to proceed in forma pauperis in this civil action. The motion is granted. Additionally, this action is dismissed as frivolous.

Standard of Review

Under 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. To state a claim for relief under § 1983, a complaint must plead more than “legal conclusions” and “[t]hreadbare recitals of the elements of a cause of action [that are] supported by mere conclusory statements.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A plaintiff must demonstrate a plausible claim for relief, which is more than a “mere possibility of misconduct.” *Id.* at 679. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* at 678. Determining whether a complaint states a plausible claim for relief is a context-specific task that requires the reviewing court to draw on its judicial experience and common sense. *Id.* at 679.

Discussion

The complaint is composed of incoherent gibberish. Apparently, plaintiff's allegations stem from a 2012 case from the Northern District in California, which was settled by plaintiff and Wells Fargo Bank. *Mohonia v. Wells Fargo Bank*, No. 3:12-CV-244 MEJ (N.D. Cal.). Plaintiff attempted to challenge the settlement more than two years after the case was dismissed, and the court denied the request for lack of jurisdiction. *Id.* (Doc. #51). The Court of Appeals for the Ninth Circuit dismissed plaintiff's appeal from the order because it raised no substantial questions. *Mohonia v. Wells Fargo Bank*, No. 15-16006 (9th Cir. August 12, 2015).

For relief in this action, plaintiff asks "to be considered a private fund advisor by the defendant."

Plaintiff's allegations are legally frivolous. The Court lacks jurisdiction to grant the requested relief. And to the extent that plaintiff is attempting to challenge the settlement in the California case, the Court lacks jurisdiction. Therefore, this action is dismissed under 28 U.S.C. § 1915(e).

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed separately.

Dated this 3rd day of October, 2016.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE