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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SANDRA B. TOODLE,

Plaintiffs,

v.

QUEEN ELIZABETH, et al.,

Defendants.

Case No. 2:13-cv-00599-MMD-NJK

ORDER

(Plf.'s Application to Proceed *In Forma Pauperis* – dkt. no. 1)

Plaintiff Sandra B. Toodle has submitted an Application to Proceed *in Forma Pauperis* along with a Complaint. (See dkt. no. 1.) The Court finds that Plaintiff is unable to pre-pay the filing fee, and thus grants her Application.

The Court has also reviewed the Complaint and finds that this action must be dismissed. Pursuant to the Prison Litigation Reform Act of 1995 (“PRLA”), federal courts must dismiss the claim of a plaintiff proceeding *in forma pauperis* if the action is “frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B)(i)-(iii). A complaint is frivolous “where it lacks an arguable basis either in law or in fact [The] term ‘frivolous,’ when applied to a complaint, embraces not only the inarguable legal conclusion, but also the fanciful factual allegation.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); see also *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995). “[A] finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are

1 judicially noticeable facts available to contradict them. An *in forma pauperis* complaint
2 may not be dismissed, however, simply because the court finds the plaintiff's allegations
3 unlikely." *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). Allegations of a pro se
4 complainant are held to less stringent standards than formal pleadings drafted by
5 lawyers. *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam).

6 Toodle names Queen Elizabeth, Sir Charles, Gwendolyn Johnson, Anita Johnson,
7 and Andrew Johnson as defendants, and claims each violated her Thirteenth
8 Amendment right against involuntary servitude. She alleges that Queen Elizabeth and
9 "U.S. Senator Andrew Johnson" gave Gwendolyn Johnson "benefits and injury money"
10 that was hers, part of which was awarded as recoveries from other lawsuits across the
11 country. Toodle's Complaint is rife with fanciful and nonsensical allegations, none of
12 which appear to support a Thirteenth Amendment claim. Accordingly, her Complaint
13 must be dismissed.

14 IT IS THEREFORE ORDERED that Toodle's Application to Proceed *in Forma*
15 *Pauperis* (dkt. no. 1) is GRANTED.

16 IT IS FURTHER ORDERED that the Clerk of the Court shall file the Complaint.

17 IT IS FURTHER ORDERED that this action is DISMISSED as frivolous. The
18 Clerk of the Court shall enter judgment accordingly.

19 DATED THIS 11th day of April 2013.

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23 _____
24 MIRANDA M. DU
25 UNITED STATES DISTRICT JUDGE
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