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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
6

7 BARBARA RUTH CRAM,)

8 Plaintiff,)

9 vs.)

10 US,)

11 Defendant.)
12

Case No. 2:17-cv-02444-JAD-CWH

REPORT & RECOMMENDATION

13 Presently before the court is pro se plaintiff Barbara Ruth Cram's application to proceed *in*
14 *forma pauperis* (ECF No. 9), filed on October 6, 2017. Plaintiff has submitted the declaration
15 required by 28 U.S.C. § 1915(a) showing an inability to prepay fees and costs or give security for
16 them. Accordingly, Plaintiff's request to proceed *in forma pauperis* will be granted.

17 Upon granting a request to proceed *in forma pauperis*, a court must screen the complaint
18 under 28 U.S.C. § 1915(e)(2). In screening the complaint, a court must identify cognizable claims
19 and dismiss claims that are frivolous, malicious, file to state a claim on which relief may be
20 granted, or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C.
21 § 1915(e)(2). A complaint is frivolous if it contains "claims whose factual contentions are clearly
22 baseless," such as "claims describing fantastic or delusional scenarios." *Neitzke v. Williams*, 490
23 U.S. 319, 327-28 (1989).

24 Dismissal for failure to state a claim under § 1915(e)(2) incorporates the standard for
25 failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). *Watison v. Carter*, 668 F.3d
26 1108, 1112 (9th Cir. 2012). To survive § 1915 review, a complaint must "contain sufficient factual
27 matter, accepted as true, to state a claim to relief that is plausible on its face." *See Ashcroft v.*
28 *Iqbal*, 556 U.S. 662, 678 (2009). The court liberally construes pro se complaints and may only

1 dismiss them “if it appears beyond doubt that the plaintiff can prove no set of facts in support of his
2 claim which would entitle him to relief.” *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir. 2014)
3 (quoting *Iqbal*, 556 U.S. at 678).

4 Here, Ms. Cram filed a complaint, which does not contain any factual allegations, and two
5 supplements to the complaint. (Compl. (ECF No. 1-1); Supp. to Compl. (ECF No. 12); Supp. to
6 Compl. (ECF No. 14).). In the first supplement, Ms. Cram requests a “turnkey house on the Hopi
7 home” with a maid and a gardener. (ECF No. 12 at 1.) In the second supplement, Ms. Cram
8 alleges that while sleepwalking, she saw a property where more than 1,000 babies were murdered
9 or gravely injured at the hands of 3,000 people, “3 to a baby.” (ECF No. 14 at 1.) She further
10 alleges that she and a girlfriend were followed to be killed, that someone tried to rape her girlfriend
11 many times, and that she was raped 1,500 times. (*Id.* at 2.) Ms. Cram makes various other
12 allegations regarding being disemboweled, needing money and a home, events dating back to the
13 early twentieth century, and “engulfment,” though it is unclear to the court what Ms. Cram is
14 referencing when she uses this term. (*Id.* at 2-17.)

15 Even liberally construing Ms. Cram’s complaint and supplements, the court finds that her
16 factual allegations describe fantastic and delusional scenarios and do not state a claim upon which
17 relief can be granted. Given that Ms. Cram’s complaint does not set forth a plausible claim, it is
18 recommended that the complaint be dismissed with prejudice because amendment would be futile.
19 *See Lopez v. Smith*, 203 F.3d 1122, 1126 (9th Cir. 2000) (stating that a district court is not required
20 to provide leave to amend a complaint if the complaint could not possibly be cured by the
21 allegation of other facts).

22 IT IS THEREFORE ORDERED that Plaintiff Barbara Ruth Cram’s application to proceed
23 *in forma pauperis* (ECF No. 9) is GRANTED.

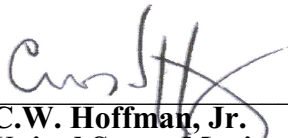
24 IT IS RECOMMENDED that Plaintiff Barbara Ruth Cram’s Complaint (ECF No. 1-1) and
25 its supplements (ECF Nos. 12, 14) be DISMISSED WITH PREJUDICE as delusional and
26 frivolous.

27 IT IS FURTHER RECOMMENDED that all pending motions (ECF Nos. 2-4) in the case
28 be DENIED as moot.

1 **NOTICE**

2 This report and recommendation is submitted to the United States district judge assigned to
3 this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation may
4 file a written objection supported by points and authorities within fourteen days of being served
5 with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely objection may
6 waive the right to appeal the District Court's Order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th
7 Cir. 1991).

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9 DATED: November 16, 2017

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11 
12 **C.W. Hoffman, Jr.**
13 **United States Magistrate Judge**