UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

TYLER HARRIS,

Plaintiff,

v.

UNITED STATES,

Defendant.

Case No. 2:25-cv-00380-GMN-EJY

ORDER AND REPORT AND RECOMMENDATION

I. Introduction

Pending before the Court is Plaintiff's Application to Proceed *in forma pauperis* ("IFP") and Civil Rights Complaint. ECF Nos. 1, 1-1. Plaintiff's IFP Application is complete; however, Plaintiff's Complaint alleges claims against the United States only. ECF No. 1-1. Moreover, the substance of Plaintiff's Complaint is indecipherable. *Id*. Thus, the Court dismisses Plaintiff's IFP application without prejudice, and recommends his Complaint be dismissed with prejudice.

II. Discussion

The Court exercises its inherent authority to *sua sponte* screen cases that are "transparently defective" in order to "save everyone time and legal expense." *Hoskins v. Poelstra*, 320 F.3d 761, 763 (7th Cir. 2003). A complaint should be dismissed for failure to state a claim upon which relief may be granted "if it appears beyond a doubt that the plaintiff can prove no set of facts in support of his claims that would entitle him to relief." *Buckey v. Los Angeles*, 968 F.2d 791, 794 (9th Cir. 1992). A complaint may also be dismissed as frivolous if it is premised on a nonexistent legal interest or delusional factual scenario. *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989). "[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 judicially noticeable facts available to contradict them." *Denton v. Hernandez*, 504 U.S. 25, 33 (1992).

Here, Plaintiff states two causes of action naming only the United States as a defendant after which he seeks $20 trillion in damages. ECF No. 1-1 at 4-6. Well settled law establishes the United

States is immune from suit seeking money damages. *See*, *e.g.*, *United States v. Testan*, 424 U.S. 392, 399 (1976). If this is not a sufficient basis to dismiss Plaintiff's Complaint, the allegations made are indecipherable. *Id*. at 4-5.

III. Order

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Application to Proceed *in forma pauperis* (ECF No. 1) is DENIED without prejudice.

IV. Recommendation

IT IS HEREBY RECOMMENDED that Plaintiff's Complaint (ECF No. 1-1) be DISMISSED with prejudice.

Dated this 6th day of March, 2025.

ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE

NOTICE

Under Local Rule IB 3-2, any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court holds the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). The Ninth Circuit also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst,* 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).