

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BRENDA C. ARMSTEAD,

Plaintiff,

v.

No. 1:22-cv-00767-WJ-JFR

STATE OF NEVADA,

Defendant.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

Plaintiff, who is proceeding *pro se*, alleged:

State of Nevada is liable to attempted murder of Plaintiff, Gal. Tx., Dec. 12, 2006. Gun shot to the head, point blank. Witness: Tilmon Fertitta. Mail Theft: Gal. Tx., Witness: Pete Hensley Post Master. Attempted kidnapping and murder attempt of Plaintiff from Fl. (Pinellas Co.) to AZ. Witness: Jeb Bush. Current criminal activity toward Plaintiff: Daily illegal searches no court warrant, pepper spray of all personal affects [sic].

Petition for Punitive Damages at 1-2, Doc. 1, filed October 14, 2022 ("Complaint"). Plaintiff also alleges that the State of Nevada is liable for signing military contracts with the U.S. Government resulting in "nuclear contamination of water of the Rocky Mountains." Complaint at 2-3.

United States Magistrate Judge John F. Robbenhaar:

- (i) Notified Plaintiff that the Complaint fails to state a claim upon which relief can be granted because it does not contain factual allegations describing what the State of Nevada did to Plaintiff and the specific legal rights Plaintiff believes the State of Nevada violated.
- (ii) Notified Plaintiff that Plaintiff has not shown that the Court has jurisdiction over this matter because the Eleventh Amendment ordinarily grants a State immunity from suits brought in federal court by its own citizens or those of another state.

- (iii) Ordered Plaintiff to either pay the filing fee or file an Application to proceed *in forma pauperis*.
- (iv) Ordered Plaintiff to show cause why the court should not dismiss this case for failure to state a claim upon which relief can be granted and for lack of jurisdiction, to file an amended complaint.

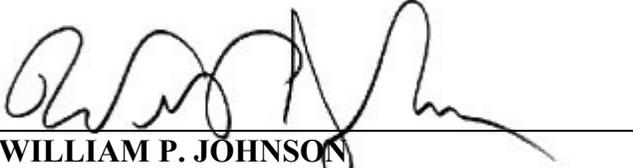
See Doc. 3, filed October 17, 2022 (notifying Plaintiff that failure to timely show cause, to file an amended complaint, and to pay the filing fee or file an Application to proceed *in forma pauperis* may result in dismissal of this case).

In her Response to Judge Robbenhaar's Order, Plaintiff stated:

- (i) The statements in Judge Robbenhaar's Order are the "basis for Plaintiff's decision to not file an amended complaint or pay the \$402.00 filing fee.
- (ii) "[I]t would be considered theft of \$402.00 by this court from Plaintiff if Plaintiff pays the filing fee when the court is going to dismiss action."

Response at 1, Doc. 4, filed October 24, 2022 (emphasis in original). Plaintiff did not show cause why the Court should not dismiss this case for failure to state a claim and for lack of jurisdiction, did not file an amended complaint, and did not pay the filing fee or file an Application to proceed *in forma pauperis*.

IT IS ORDERED that this case is **DISMISSED without prejudice**.



WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE