

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 19, 2017

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARYLIN J. TAYLOR,

No. 2:17-CV-0235-SMJ

Plaintiff,

**ORDER DISMISSING
COMPLAINT**

v.

BEVERLY BAKER, Tenant; CHERYL
L. GRAHAM, Landlord; ALL
UNKNOWN OWNERS, DIRECTORS,
SHAREHOLDERS and AGENTS;
TAHA HIJAZI, Maintenance Man;
EILEEN EPPS, Tenant; ENJOLI JOHN
DOE; WENDY CARTER, Tenant;
GLADY'S SMITH; DOREEN
TALBERTSON; PCMI GROUP;
STACY JOHN DOE; and MARK
HAWKINS,

Defendants.

Plaintiff Taylor filed her complaint in this case on June 26, 2017. ECF No. 2. Magistrate Judge Rodgers allowed Plaintiff to proceed *in forma pauperis* since she lacked sufficient funds to prosecute this case. ECF No. 6. However, Magistrate Judge Rodgers also notified Plaintiff that her Complaint would be reviewed for legal sufficiency. *Id.* Indeed, courts are obligated to dismiss cases proceeding *in forma pauperis* if and when they determine that such a case is frivolous or

ORDER DISMISSING
CASE- 1

1 malicious, fails to state a claim on which relief may be granted, or seeks monetary
2 relief against a defendant who is immune from such relief. 28 U.S.C.
3 § 1915(e)(2)(B)(i)–(iii); *see also Lavelle v. Lavelle*, No. CV-07-039-RHW, 2007
4 WL 4418170 at *1 (E.D. Wash. Dec. 14, 2007) (citing *Lopez v. Smith*, 203 F.3d
5 1122, 1126–27 n. 7 (9th Cir. 2000)).

6 Plaintiff filed an amended complaint on August 3, 2017. ECF No. 8. Plaintiff
7 alleges that the defendants, who include her apartment complex, other tenants,
8 managers and employees, have harassed, slandered, and threatened her. ECF No. 8
9 at 4–6. She alleges that in one incident another tenant told her to sit somewhere else
10 at a community potluck, slandered her character and religion, and attempted to hit
11 her. ECF No. 8 at 4. She alleges that her landlord failed to address her complaints
12 and does not like her. ECF No. 8 at 4–5. She also accuses many of the defendants
13 of “breach-of-the-peace” and conspiring with the landlord to illegally evict her.
14 ECF No. 8 at 6. Although Plaintiff does not state the legal basis for these claims in
15 her amended complaint, in her initial complaint she alleged that some of these
16 actions violated the Civil Rights Act. ECF No. 2 at 5.

17 Plaintiff’s complaint fails to state a claim and is legally frivolous. Under
18 Federal Rule of Civil Procedure 8(a)(2), a pleading must contain a “short and plain
19 statement of the claim showing that the pleader is entitled to relief.” To meet this
20 standard a complaint must allege “enough facts to state a claim to relief that is

1 plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A
2 claim frivolous when it lacks an arguable basis either in law or in fact. *Neitzke v.*
3 *Williams*, 490 U.S. 319, 325 (1989). Plaintiff here fails to state a plausible, or even
4 arguable, legal or factual basis for a claim under the Civil Rights Act. Accordingly,
5 Plaintiff’s complaint is dismissed.

6 Accordingly, **IT IS HEREBY ORDERED:**

- 7 **1.** Plaintiff Marilyn J. Taylor’s claims are **DISMISSED WITHOUT**
8 **PREJUDICE.**
- 9 **2.** Plaintiff’s First Request for FCR 45 Subpoenas, **ECF No. 9**, Request
10 for Rule 45 Subpoena, **ECF No. 10**, Ex Parte Motion for Appointment
11 of Pro Bono Counsel, **ECF No. 14**, Motion to Request Polograph [sic],
12 **ECF No. 18**, Motion to Request Order for Estoppel, **ECF No. 23**,
13 Motion to Allow Plaintiff to Stay in Her Apartment, **ECF No. 25**,
14 Motion for Sanctions, **ECF No. 29**, and Motion for Order for All
15 Accounts to be Seized, **ECF NO. 30**, are **DENIED AS MOOT.**
- 16 **3.** All hearings and other deadlines are **STRICKEN.**
- 17 **4.** The Clerk’s Office is directed to **CLOSE** this file.

