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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 OMARI TAHIR,

11 Plaintiff,

12 v.

13 HUGH BANGASSER, et al.,

14 Defendants.

CASE NO. C17-0586JLR

ORDER

15 On May 7, 2017, after concluding that Plaintiff Omari Tahir's complaint appears  
16 frivolous and fails to state a claim, the court ordered Mr. Tahir to show cause why his  
17 complaint should not be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B). (OSC (Dkt.  
18 # 5) at 1-4.) The court ordered Mr. Tahir to respond no later than May 19, 2017, and  
19 cautioned that failure to timely show cause in response to the order would result in the  
20 dismissal of this case pursuant to 28 U.S.C. § 1915(e)(2)(B). (*Id.* at 4.) On May 22,  
21 2017, three days after the deadline to respond, the court received Mr. Tahir's response.  
22 (Resp. (Dkt. # 6).)

1 In addition to being untimely, Mr. Tahir’s response confirms the frivolity of his  
2 lawsuit. Mr. Tahir complies with the court’s order to show cause by identifying “which  
3 defendants committed which alleged violations of law. ” (OSC at 4; *see Resp.* at 4-5.)  
4 He asserts that various defendants violated RCW 59.18.312, RCW 49.60.040, and RCW  
5 59.18.230. (*Resp.* at 4-5.) Those state law claims fail to confer jurisdiction over Mr.  
6 Tahir’s claims because complete diversity is lacking between Mr. Tahir and the  
7 defendants. (*See Compl.* (Dkt. # 4) ¶¶ 5-14); 28 U.S.C. § 1332(a). Although he also  
8 invokes his “freed slave’s treaty rights under the US Constitution’s Fourteenth  
9 Amendment” (*id.* at 1) and the Thirteenth Amendment (*id.* at 2), he does so in an  
10 irrelevant discussion of American history and does not tie those rights to the allegations  
11 in his complaint (*see id.* at 1-4).

12 As the court noted, Mr. Tahir’s claims, as alleged, appear frivolous and fail to state  
13 a claim. (OSC at 1 (citing 28 U.S.C. § 1915(e)(2)(B)(i)-(ii)).) To the extent Mr. Tahir  
14 clarifies his claims in his response to the court’s order to show cause, he confirms that the  
15 court lacks subject matter jurisdiction over this action. A complaint is frivolous under 28  
16 U.S.C. § 1915 where the court lacks subject matter jurisdiction. *See, e.g., Pratt v.*  
17 *Sumner*, 807 F.2d 817, 819 (9th Cir. 1987); *Gorski v. Cty. of Marin*,

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1 No. 07-cv-00322-JSC, 2017 WL 914327, at \*1 (N.D. Cal. Mar. 8, 2017). Accordingly,  
2 the court DISMISSES this case without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B).<sup>1</sup>

3 Dated this 23rd day of May, 2017.

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6 JAMES L. ROBERT  
7 United States District Judge  
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18 <sup>1</sup> In its order to show cause, the court partially recounted Mr. Tahir’s extensive history of  
19 frivolous litigation in the Western District of Washington. (5/8/17 Order at 3 (citing *Tahir v.*  
20 *Midtown Ltd. P’ship*, No. C15-2017JCC (W.D. Wash.), Dkt. # 43 at 3; *Midtown Ltd. P’ship v.*  
21 *Tahir-Garrett*, No. C16-1830JCC (W.D. Wash.), Dkt. # 11; *Midtown Ltd. P’ship v.*  
22 *Tahir-Garrett*, No. C17-0587JCC (W.D. Wash.), Dkt. # 6; *Tahir v. Sawant*, No. C16-0413JLR  
(W.D. Wash.), Dkt. # 36; *Tahir v. Eisenberg*, No. C16-1621RSM (W.D. Wash), Dkt. ## 5, 7-9).  
The court cautions Mr. Tahir that filing future frivolous complaints may lead the court to  
designate him a vexatious litigant and impose pre-filing requirements. *See Molski v. Evergreen*  
*Dynasty Corp.*, 500 F.3d 1047, 1057 (9th Cir. 2007) (citing 28 U.S.C. § 1651(a)) (“The All Writs  
Act, 28 U.S.C. § 1651(a), provides district courts with the inherent power to enter pre-filing  
orders against vexatious litigants.”).