

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7	HELIO J. LEAL DE LA HOZ,)	
8)	CASE NO. C17-1465 RSM
	Plaintiff,)	
9)	ORDER OF DISMISSAL
10	v.)	
)	
11	HUSH COMMUNICATIONS CANADA,)	
	INC.)	
12)	
	Defendant.)	

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15 This matter comes before the Court *sua sponte* on the Court’s Order Directing Plaintiff

16 to Amend Complaint. Dkt. #6. *Pro Se* Plaintiff Helio J. Leal de La Hoz has been granted leave

17 to proceed *in forma pauperis* in this matter. Dkt. #4. The Complaint was filed on September 28,

18 2017. Dkt. #5. Summons has not yet been issued.

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20 Plaintiff’s claims relate to his “hushmail” email account with Defendant Hush

21 Communications Canada, Inc. Plaintiff appears to make claims of theft and fraud arising from

22 Defendant’s October 23, 2016, disabling of Plaintiff’s account “because they had received a large

23 number of complaints denouncing my messages as spam.” *Id.* Plaintiff alleges he has lost access

24 to important documents and “intellectual Property, whose value I estimate in trillions of dollars.”

25 *Id.* Plaintiff also seeks as damages compensation for Plaintiff’s “adrenaline poisoning,” and to

26 be compensated for his time “litigating this evidence-based claim,” which Plaintiff calculates at

27 over 10,000 hours. *Id.* Plaintiff seeks total damages of “1,001,011,380,000.00 USD.” *Id.*

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1 On September 29, 2017, this Court issued an Order Directing Plaintiff to Amend
2 Complaint. Dkt. #6. In that Order, the Court noted that “Plaintiff appears to base federal
3 jurisdiction on diversity.... However, Plaintiff has failed to present credible evidence that the
4 damages at issue in this case exceed the statutory requirement of \$75,000.” Dkt. #6 at 2 (citing
5 28 U.S.C. § 1332(a)). The Court found that Plaintiff’s valuation of his email account at “trillions
6 of dollars,” was facially frivolous. *Id.* The Court also noted that Plaintiff’s Complaint fails to
7 set forth causes of action, citing theft and fraud only in passing. The Court warned that
8 “Plaintiff’s Complaint suffers from deficiencies that, if not corrected in an Amended Complaint,
9 require dismissal.” *Id.* The Court ordered Plaintiff to file an Amended Complaint within twenty-
10 one days. *Id.* Plaintiff has failed to take any action and the deadline has passed.
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13 As federal courts are courts of limited jurisdiction, a plaintiff bears the burden of
14 establishing that his case is properly filed in federal court. *Kokkonen v. Guardian Life Ins. Co.*,
15 511 U.S. 375, 377, 114 S. Ct. 1673, 1675, 128 L. Ed. 2d 391 (1994); *In re Ford Motor*
16 *Co./Citibank (South Dakota), N.A.*, 264 F.3d 952, 957 (9th Cir. 2001). This burden, at the
17 pleading stage, must be met by pleading sufficient allegations to show a proper basis for the
18 federal court to assert subject matter jurisdiction over the action. *McNutt v. General Motors*
19 *Acceptance Corp.*, 298 U.S. 178, 189, 56 S. Ct. 780, 785, 80 L. Ed. 1135 (1936). Further, the
20 Court will dismiss a Complaint at any time if the action fails to state a claim, raises frivolous or
21 malicious claims, or seeks monetary relief from a defendant who is immune from such relief.
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23 *See* 28 U.S.C. § 1915(e)(2)(B).
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25 The Court has reviewed the record and finds that this suit raises frivolous claims. Plaintiff
26 fails to set forth causes of action plausibly connected to the facts, requests an amount in relief
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1 that is facially frivolous, and fails to set forth facts establishing diversity subject matter
2 jurisdiction. Given all of this, dismissal is warranted. *See* 28 U.S.C. § 1915(e)(2)(B).

3 Accordingly, the Court hereby finds and ORDERS:

- 4 1) Plaintiff's claims are DISMISSED.
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6 2) This matter is CLOSED.
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8 3) The Clerk shall send a copy of this Order to Mr. Leal de La Hoz at 77 S.
9 Washington St., Seattle, WA 98104.

10 DATED this 27th day of October, 2017.
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14 RICARDO S. MARTINEZ
15 CHIEF UNITED STATES DISTRICT JUDGE
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