

1 Beyond this, the Plaintiffs’ claims against Northwest are not clear. Northwest argues that
2 the Plaintiffs’ allegations do not state a claim upon which relief may be granted under Rule
3 12(b)(6).

4 Dismissal under Rule 12(b)(6) may be based on either the lack of a cognizable legal
5 theory or absence of sufficient facts alleged under a cognizable legal theory. *Balistreri v.*
6 *Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir. 1990). A plaintiff’s complaint must allege
7 facts to state a claim for relief that is plausible on its face. *See Ashcroft v. Iqbal*, 129 S.Ct. 1937,
8 1949 (2009). A claim has “facial plausibility” when the party seeking relief “pleads factual
9 content that allows the court to draw the reasonable inference that the defendant is liable for the
10 misconduct alleged.” *Id.* Although the Court must accept as true the Complaint’s well-pled facts,
11 conclusory allegations of law and unwarranted inferences will not defeat an otherwise proper
12 [Rule 12(b)(6)] motion. *Vasquez v. L. A. County*, 487 F.3d 1246, 1249 (9th Cir. 2007); *Sprewell*
13 *v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir. 2001). “[A] plaintiff’s obligation to
14 provide the ‘grounds’ of his ‘entitle[ment] to relief’ requires more than labels and conclusions,
15 and a formulaic recitation of the elements of a cause of action will not do. Factual allegations
16 must be enough to raise a right to relief above the speculative level.” *Bell Atl. Corp. v. Twombly*,
17 550 U.S. 544, 555 (2007) (citations and footnote omitted). This requires a plaintiff to plead
18 “more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Iqbal*, 129 S.Ct. at
19 1949 (citing *Twombly*).

20 . In their response to Northwest’s Motion, Plaintiffs filed a Notice of Fraud on the Court
21 and Motion to Strike Northwest’s Motion [Dkt. #25]. This filing mirrors the Response the
22 Plaintiffs filed to the prior Motion [Dkt. #16.] It does not address any of Northwest’s arguments,
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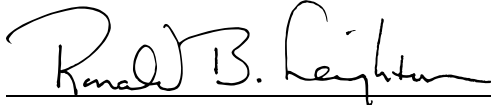
1 and does not remotely meet the Plaintiffs' burden under Rule 12(b)(6), even taking into account
2 that they are pro se.

3 Plaintiffs' have not and cannot establish the fraud or the conspiracy they allege in
4 conclusory fashion. They have not, and cannot, state a claim upon which relief may be granted.
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6 Northwest Trustee Services, Inc.'s Motion to Dismiss the Plaintiff's Complaint is
7 GRANTED and the Plaintiffs' Complaint is DISMISSED WITH PREJUDICE. The Clerk shall
8 enter a final judgment reflecting this dismissal of this Defendant as well as the Defendants
9 dismissed in the Court's prior Order [Dkt. #18].

10 IT IS SO ORDERED.

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12 DATED this 18th day of March, 2011
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15 RONALD B. LEIGHTON
16 UNITED STATES DISTRICT JUDGE
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