

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

IRA HARTFORD,

Plaintiff,

v.

THE CITY OF ELMA, et al.,

Defendant.

CASE NO. C15-5927RBL

ORDER GRATING MOTION TO  
DISMISS

THIS MATTER is before the Court on the City of Elma's Motion to Dismiss [Dkt. #24] and *pro se* Plaintiff Hartford's responsive Motion for Extension and for Oral Argument. [Dkt. #27]. Hartford repeatedly attempted to obtain *in forma pauperis* status, and each was rejected [Dkt. #s 6, 8, and 10]. He ultimately paid the filing fee rather than seek *in forma pauperis* status based on his most recent amended complaint. As the Court explained in each of its Orders, Hartford was unable to articulate a plausible, viable claim against any defendant—it remains unusually difficult to understand what he is complaining about.

This is the gist of the City's Motion. It argues that none of Hartford's various complaints (the City counts seven total; the most recent appears to be Dkt. #23) articulates any facts or claims against the City. Instead, they focus on the alleged misdeeds of Hartford's prior attorney.

1 The City argues that most of the amended complaints are improper, having been filed after it  
2 Answered, but that none articulates a plausible claim against it or its employees or agents in any  
3 event. It seeks dismissal under Fed. R. Civ. P 12(b)(6) or 12(c).

4 Hartford has filed a series of responses [Dkt. #s 26, 27 and 29] but none of them resolve  
5 the issues with his pleadings, or his claims. He has not articulated any plausible set of facts that  
6 support any viable claim against the City. The following passage is typical of his filings, and it is  
7 not enough to meet the *Iqbal* standard applicable to claims in this Court:

8 **6. Plaintiff argues that of Defendants opinion that certain processes  
9 save defense costs and court time more as oppose to speedy trial.**

10 **7. Argument That the plaintiffs claims are wholly barred by all  
11 applicable statutes of Limitation criterion.**

12 **8. Plaintiff opposes Defendants opinion That Hartford fails to  
13 state a claim upon which relief can be granted;**

14 **9. Plaintiff opposes the opinions of the defendant , in regards to  
15 inculpatory evidence of which The Justice of The Peoples court  
16 ruled to be "...reasonable inferences in a light most favorable to the  
17 Plaintiff"; Defendant agreed that claims, "HOWEVER TRUE" vs.  
18 Exculpatory evidence; which Darrell Cochrane not try.**

19 **10. Plaintiff opposes Defendants opinion that his losses are minimal**

20 **11. Plaintiff Opposes Defendants argument that Justice has no choice**



1 (2007) (citations and footnotes omitted). This requires a plaintiff to plead “more than an  
2 unadorned, the-defendant-unlawfully-harmed-me-accusation.” *Iqbal*, 129 S. Ct. at 1949 (citing  
3 *Twombly*).

4 Although *Iqbal* establishes the standard for deciding a Rule 12(b)(6) motion, Rule 12(c)  
5 is “functionally identical” to Rule 12(b)(6) and that “the same standard of review” applies to  
6 motions brought under either rule. *Cafasso, U.S. ex rel. v. General Dynamics C4 Systems, Inc.*,  
7 647 F.3d 1047 (9<sup>th</sup> Cir. 2011), citing *Dworkin v. Hustler Magazine Inc.*, 867 F.2d 1188, 1192  
8 (9<sup>th</sup> Cir.1989); see also *Gentilello v. Rege*, 627 F.3d 540, 544 (5<sup>th</sup> Cir. 2010) (applying *Iqbal* to  
9 a Rule 12(c) motion).

10 On a 12(b)(6) motion, “a district court should grant leave to amend even if no request to  
11 amend the pleading was made, unless it determines that the pleading could not possibly be cured  
12 by the allegation of other facts.” *Cook, Perkiss & Liehe v. N. Cal. Collection Serv.*, 911 F.2d 242,  
13 247 (9<sup>th</sup> Cir. 1990). However, where the facts are not in dispute, and the sole issue is whether  
14 there is liability as a matter of substantive law, the court may deny leave to amend. *Albrecht v.*  
15 *Lund*, 845 F.2d 193, 195–96 (9<sup>th</sup> Cir. 1988).

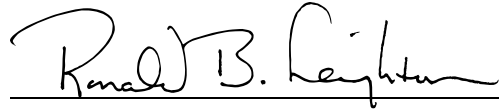
16 Despite at least *nine* attempts, Hartford has failed to articulate any viable, plausible claim  
17 against the City or its agents or employees. He has literally failed to state a plausible claim, and  
18 he has legally so failed. The Court will not permit Hartford an additional attempt to articulate a  
19 claim; he has not even hinted at the slightest suggestion of a viable claim against the City. The  
20 City’s Motion to Dismiss is **GRANTED** and all of Hartford’s claims against it are **DISMISSED**,  
21 with prejudice and without leave to amend.

22 Hartford’s own Motions [Dkt. #s 27] for additional time and for oral argument are  
23 **DENIED**. He has been attempting to articulate a claim, and to obtain counsel, for more than a  
24

1 year. There is no reasonable basis for delaying the inevitable any longer, and the Court does not  
2 need oral argument on this motion.

3 IT IS SO ORDERED.

4 Dated this 25<sup>th</sup> day of January, 2017.

5  
6 

7 Ronald B. Leighton  
8 United States District Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24