

1 Judge David W. Christel recommended review under 28 U.S.C. § 1915(e)(2)(B). Dkt. No. 4.
2 Plaintiff's Complaint was subsequently filed on the docket. Dkt. No. 5.

3 The Court's authority to grant IFP status derives from 28 U.S.C. § 1915. Per the statute,
4 the Court must dismiss a case if the IFP Plaintiff fails to state a claim upon which relief may be
5 granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii); *see also Lopez v. Smith*, 203 F.3d 1122, 1129 (9th
6 Cir. 2000) (“[S]ection 1915(e) applies to all in forma pauperis complaints, not just those filed by
7 prisoners”). “The legal standard for dismissing a complaint for failure to state a claim under 28
8 U.S.C. § 1915(e)(2)(B)(ii) is the same as when ruling on dismissal under Federal Rule of Civil
9 Procedure 12(b)(6).” *Day v. Florida*, 2014 WL 1412302, at *4 (W.D. Wash. Apr. 10, 2014)
10 (citing *Lopez*, 203 F.3d at 1129). Rule 12(b)(6) requires courts to assume the truth of factual
11 allegations and credit all reasonable inferences arising from those allegations. *Sanders v. Brown*,
12 504 F.3d 903, 910 (9th Cir. 2007). Plaintiff must provide sufficient factual details in the
13 complaint to “state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550
14 U.S. 544, 570 (2007). Where a plaintiff proceeds *pro se* (without an attorney), courts must
15 construe the complaint liberally. *Johnson v. Lucent Techs. Inc.*, 653 F.3d 1000, 1011 (9th Cir.
16 2011) (citing *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010)). However, a court “should not
17 supply essential elements of the [*pro se*] claim that were not initially pled.” *E.g., Henderson v.*
18 *Anderson*, 2019 WL 3996859, at *1 (W.D. Wash. Aug. 23, 2019) (internal citation and quotation
19 omitted); *see also Khalid v. Microsoft Corp.*, 409 F. Supp. 3d 1023, 1031 (W.D. Wash. 2019)
20 (“[C]ourts should not have to serve as advocates for pro se litigants.” (quoting *Noll v. Carlson*,
21 809 F.2d 1446, 1448 (9th Cir. 1987))).

22 Here, Plaintiff's Complaint lacks sufficient factual detail to plausibly state a claim.
23 Plaintiff specifically asserts federal question jurisdiction under 42 U.S.C. § 1983, which allows
24 claims alleging the “deprivation of any rights, privileges, or immunities secured by the

1 Constitution and [federal laws].” Plaintiff claims, without providing any supporting details, that
2 he has been deprived of his property without due process of law by the “[U.S.] Government
3 violating 18 U.S.[C.] § 641, 42 U.S.[C.] § 1983, and Acts against the Estate of Janice Walker
4 and upon . . . [Plaintiff] and [his] deceased aunt’s estate.” Dkt. No. 5 at 5. However, Plaintiff
5 does not provide factual details as to whether he is an heir to the estate, what amount of money
6 he asserts he was entitled to as an heir to the estate, or when he believes that he should have
7 received that money. *See generally* Dkt. No. 5. Further, Plaintiff does not allege any factual
8 details as to the alleged “RICO style act” he asserts was made upon the deceased’s estate or how
9 that act harmed him specifically. *See generally id.* Without additional factual details, Plaintiff’s
10 conclusory statements are insufficient to state a claim for relief.

11 To state a plausible claim for relief in federal court, a Plaintiff must “plead[] factual
12 content that allows the court to draw the reasonable inference that the defendant is liable for the
13 misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 672 (2009). Thus, “[t]hreadbare recitals of
14 the elements of a cause of action, supported by mere conclusory statements” are insufficient. *Id.*
15 Here, all Plaintiff offers are conclusory statements to support threadbare, and substantively
16 incomplete, recitals of some elements of her claims. The Court, therefore, FINDS that Plaintiff
17 fails to state a plausible claim for relief under 42 U.S.C. § 1983. For this reason, the Court must
18 dismiss Plaintiff’s Complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).


19 Courts typically allow *pro se* plaintiffs to amend their complaints in lieu of dismissal.
20 *Yagman v. Garcetti*, 852 F.3d 859, 867 (9th Cir. 2017). The Court will therefore GRANT Plaintiff
21 leave to file an amended complaint in this case that sufficiently “pleads factual content,” *Iqbal*,
22 556 U.S. at 672, to state a plausible claim for relief. If Plaintiff fails to file an amended complaint
23 by the deadline or if the amended complaint fails to state a plausible claim for relief, the Court
24 will dismiss this case in its entirety.

1 Finally, this case was sealed because Plaintiff checked the box on the civil cover sheet
2 characterizing his suit as a false claims and qui tam action. Dkt. No. 1-2. “The False Claims Act
3 enables a private individual to sue a firm which presents a fraudulent claim to the
4 government”—this is referred to as a “*qui tam* action.” *U.S. ex rel. Anderson v. Northern*
5 *Telecom, Inc.*, 52 F.3d 810, 812–13 (9th Cir. 1995). “The action is brought in the name of the
6 government, and is served on the government.” *Id.* at 813. “[T]he paradigm qui tam case is one
7 in which an insider at a company brings an action against his own employer.” *U.S. ex rel. Fine v.*
8 *Chevron, U.S.A., Inc.*, 72 F.3d 740, 742 (9th Cir. 1995). Qui tam actions remain under seal for at
9 least the first 60 days after filing. 31 U.S.C. § 3730(b)(2). However, this case is not brought *for*
10 the United States government but *against* the United States government. As this case is not a qui
11 tam case, it should not be filed under seal.

12 Accordingly, the Court ORDERS as follows:

- 13 1. This case is DISMISSED without prejudice. However, the Court GRANTS Plaintiff
14 leave to amend his complaint within **30 days** of this Order. Therefore, any
15 amended complaint is due by **October 16, 2024**.
- 16 2. Mr. Raikoglo’s pending Motion to Appoint Counsel (Dkt. No. 6) is DISMISSED as
17 moot.
- 18 3. The Court DIRECTS the clerk of the court to unseal this case.

19 Dated this 16th day of September 2024.

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21 _____
22 Tana Lin
23 United States District Judge
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