

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WASHINGTON

Caryl Danita Carby v. Barack Heissein Obama, et al.

Carby · No. 2:26-CV-0042-TOR · Decided April 24, 2026

SUMMARY

The United States District Court for the Eastern District of Washington dismissed Caryl Danita Carby's pro se complaint with prejudice. The court concluded that the complaint failed to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii), that amendment would be futile, and directed that the case be closed.

CASE DETAILS

COURT	United States District Court for the Eastern District of Washington
JURISDICTION	United States District Court for the Eastern District of Washington
DECIDED	April 24, 2026
DOCKET	2:26-CV-0042-TOR
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court screened Plaintiff's complaint under 28 U.S.C. § 1915(e)(2)(B)(ii) after denying Plaintiff's application to proceed in forma pauperis with leave to renew or pay the filing fee. Plaintiff neither renewed the application nor paid the fee.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B)(ii), the court applies the same standard as Federal Rule of Civil Procedure 12(b)(6): dismissal is proper when the complaint lacks a cognizable legal theory or sufficient facts to support one. The court accepts material factual allegations as true and construes them in the light most favorable to the plaintiff, but disregards mere legal conclusions and requires facts sufficient to state a plausible claim. Pro se pleadings are construed liberally.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

TOPICS

- motions to dismiss
- pleadings
- civil procedure
- section 1983

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint stated a claim upon which relief could be granted under 28 U.S.C. § 1915(e)(2)(B)(ii) and the Rule 12(b)(6) standard.
2. Whether Plaintiff should be granted leave to amend the complaint.

HOLDINGS

1. The complaint failed to state a claim because it lacked sufficient facts to support a cognizable legal theory against any defendant.
2. Leave to amend was properly denied because it was absolutely clear that amendment would be futile.

KEY QUOTATIONS

“notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that the action or appeal fails to state a claim upon which relief may be granted.”” (at 1)

“The Court finds that it is absolutely clear that no amendment will cure the deficiencies in Plaintiff’s Complaint.” (at 2)

FACTUAL BACKGROUND

Plaintiff, proceeding pro se, filed a handwritten and largely unintelligible complaint against Barack Hussein Obama and other individuals and entities. The complaint sought \$60 billion in damages and a permanent injunction and appeared to allege defamation, slander, identity theft, and fraud. The court found that the complaint lacked sufficient facts to support a cognizable legal theory against any defendant.

PROCEDURAL HISTORY

Plaintiff filed the action on January 23, 2026, seeking \$60 billion in damages and a permanent injunction based on allegations apparently involving defamation, slander, identity theft, and fraud. The court previously denied Plaintiff's in forma pauperis application with leave to renew or pay the full filing fee within 30 days. Plaintiff did neither, and the court dismissed the complaint with prejudice, directed entry of judgment, and closed the file.

DISPOSITION

dismissed

CASES CITED

- *Balistreri v. Pacifica Police Department*, 901 F.2d 696, 699 (9th Cir. 1990)
- *Watson v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009)

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010)
- Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987)
- Aktar v. Mesa, 698 F.3d 1202, 1212 (9th Cir. 2012)

OPINION

1 FILED IN THE U.S. DISTRICT COURT 2 EASTERN DISTRICT OF WASHINGTON Apr 24, 2026 3 SEAN F. MCAVOY, CLERK 4 5 6 7 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON 8 9 CARYL DANITA CARBY, NO. 2:26-CV-0042-TOR 10 Plaintiff, ORDER DISMISSING COMPLAINT 11 v. 12 BARACK HEISSEIN OBAMA, et al, 13 Defendants. 14 BEFORE THE COURT is Plaintiff's Complaint. ECF No. 1.

The Court has 15 reviewed the record and files herein and is fully informed. For the reasons 16 discussed below, all claims asserted by Plaintiff are DISMISSED with prejudice. 17 BACKGROUND 18 Plaintiff, proceeding pro se, currently has thirteen actions pending before 19 20 1 this Court that have all been filed since January 2026.1 The complaints, which are 2 handwritten and largely unintelligible, are against an assortment of individuals and 3 entities including Barrack Hussein Obama, the Central Intelligence Agency, 4 Donald Trump, George Walker Bush, the Nigerian Government, and the City of 5 Spokane, to name a few.

6 Plaintiff filed this action on January 23, 2026 against the named Defendants. 7 Plaintiff seeks \$60,000,000,000.00 in damages and a permanent injunction. The 8 Complaint appears to allege that Defendants have defamed and slandered Plaintiff 9 and have committed identity theft and fraud. 10 Plaintiff previously filed an application to proceed in forma pauperis which 11 was denied with leave to renew or pay the full filing fee within 30 days.

ECF No. 12 5. Plaintiff did not submit a renewed application or pay the full filing fee within 13 the allotted time. For this reason and the reasons discussed below, the Court 14 dismisses Plaintiff's Complaint. 15 DISCUSSION 16 Pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), "[n]otwithstanding any filing fee, 17 1 See Case Numbers 26cv26-TOR, 26cv42-TOR, 26cv54-TOR, 26cv55-TOR, 18 26cv119-TOR, 26cv121-TOR, 26cv122-TOR, 26cv142-TOR, 26cv143-TOR, 19 20 26cv159-TOR, 26cv160-TOR, 26cv162-TOR, 26cv166-TOR.

1 or any portion thereof, that may have been paid, the court shall dismiss the case at 2 any time if the court determines that the action or appeal fails to state a claim upon 3 which relief may be granted." 4 A complaint fails to state a claim upon which relief may be granted if it 5 lacks a cognizable legal theory or lacks sufficient facts to support a cognizable 6 legal theory.

Balistreri v. Pacifica Police Dept., 901 F.2d 696, 699 (9th Cir.1990). 7 Plaintiff's Complaint lacks sufficient facts to support a cognizable legal theory 8 against any of the Defendants. 9 "The standard for determining whether a plaintiff has failed to state a claim 10 upon which relief can be

granted under § 1915(e)(2)(B)(ii) is the same as the 11 Federal Rule of Civil Procedure 12(b)(6) standard for failure to state a claim.” 12 *Watson v. Carter*, 668 F.3d 1108, 1112 (9th Cir.

2012). Accordingly, “[d]ismissal 13 is proper only if it is clear that the plaintiff cannot prove any set of facts in support 14 of the claim that would entitle [her] to relief.” *Id.* “In making this determination, 15 the Court takes as true all allegations of material fact stated in the complaint and 16 construes them in the light most favorable to the plaintiff.” *Id.* Mere legal 17 conclusions, however, “are not entitled to the assumption of truth.” *Ashcroft v. 18 Iqbal*, 556 U.S. 662, 679 (2009).

The complaint must contain more than “a 19 formulaic recitation of the elements of a cause of action.” *Bell Atl. Corp. v. 20 Twombly*, 550 U.S. 544, 555 (2007). It must plead “enough facts to state a claim to 1 relief that is plausible on its face.” *Id.* at 570.

The Court construes a pro se 2 plaintiff’s pleadings liberally, affording the plaintiff the benefit of any doubt. 3 *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010) (quotations and citation 4 omitted). 5 The Court finds that Plaintiff has failed to state facts which “plausibly give 6 rise to an entitlement to relief.” *Iqbal*, 556 U.S. at 679. 7 OPPORTUNITY TO AMEND 8 Unless it is absolutely clear that amendment would be futile, a pro se litigant 9 must be given the opportunity to amend her complaint to correct any deficiencies.

10 *Noll v. Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1987), superseded by statute, 28 11 U.S.C. § 1915(e)(2), as recognized in *Aktar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 12 2012). The Court finds that it is absolutely clear that no amendment will cure the 13 deficiencies in Plaintiff’s Complaint.

Therefore, the Court dismisses Plaintiff’s 14 Complaint with prejudice. 15 16 17 // 18 // 19 // 20 // ACCORDINGLY, IT IS HEREBY ORDERED: 2 Plaintiff’s Complaint (ECF No. 1) is DISMISSED with prejudice. 3 The District Court Executive is directed to enter this Order and Judgment accordingly, forward copies to Plaintiff, and CLOSE the file. 5 DATED April 24, 2026. <> United States District Judge 8 9 10 11 12 13 14 15 16 17 18 19 20