

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Gregory Scott VanHuissen v. Warner Bros., et al.

VanHuissen v. Warner Bros. · No. 24-cv-05788-PCP · Decided March 26, 2025

OPINION

VanHuissen v. Warner Bros.

PER CURIAM.

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4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 GREGORY SCOTT VANHUISSEN, Case No. 24-cv-05788-PCP 8 Plaintiff,

ORDER OF DISMISSAL

v. 9 10 WARNER BROS., et al., Defendants. 11 12 13 Gregory Van Huisen, an inmate at the Mule Creek State Prison, filed this pro se civil rights 14 action under 42 U.S.C. § 1983.1 He sues Warner Brothers, Time Warner, and Leonardo DiCaprio. 15 The Complaint is now before the Court for review under 28 U.S.C. § 1915A. Mr. Van Huisen’s 16 Complaint is dismissed with prejudice because it does not state a claim for relief. 17 I. Background 18 Mr. Van Huisen accuses defendants of “browbeating and splashing” him in violation of the 19 Eighth Amendment, *id.* at 3; engaging in “negligence” and “theft by deception” related to “harvest 20 time” and “dry rot,” *id.* at 7; and some undefined claim related to “precedence,” *id.* at 9. He seeks 21 \$27 million dollars for “actions that caused reckless and callous indifference to my rights 22 motivated by evil intent civil disobedience and inchoate crime. Entrapment.” *Id.* at 3. 23 II. Legal Standard 24 Federal courts must screen any case in which a prisoner seeks redress from a governmental 25 entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). The court must 26 27 1 The caption incorrectly identifies the plaintiff as “Gregory VanHuissen.” The plaintiff identifies 1 identify cognizable claims and dismiss claims that are frivolous, malicious, fail to state a claim 2 upon which relief may be granted, or seek monetary relief from a defendant immune from such 3 relief. 28 U.S.C. § 1915A(b)(1), (2). Pro se pleadings must be liberally construed. See *Balistreri v. 4 Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir. 1990). 5 III. Analysis 6 The first defect in Mr. Van Huisen’s Complaint is that he does not identify a proper 7 defendant. 42 U.S.C. § 1983 “provides a cause of action for the ‘deprivation of any rights, 8 privileges, or immunities secured by the Constitution and laws’ of the United States.” *Wilder v. 9 Virginia Hosp. Ass’n*, 496 U.S. 498, 508 (1990) (quoting 42 U.S.C. § 1983). Section 1983 is not 10 itself a source of substantive rights, but merely provides a method for vindicating federal rights 11 elsewhere conferred. See *Graham v. Connor*, 490 U.S. 386, 393–94 (1989). To state a claim under 12 § 1983, a plaintiff

must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated and (2) that the alleged violation was committed by a person acting under the color of state law. See *West v. Atkins*, 487 U.S. 42, 48 (1988); *Ketchum v. Alameda County*, 811 F.2d 1243, 1245 (9th Cir. 1987). Here, Mr. Van Huisen makes no claim and introduces no facts to suggest his targeted defendants acted under color of state law, and so cannot proceed on a § 1983 claim. See generally *Compl.* More generally, Mr. Van Huisen does not state any claim for relief. Although he mentions treason, trespass, conspiracy, elections, property, and defamation, Mr. Van Huisen does not identify any injury that has been done to him, nor does he provide any facts to support any of his allegations. See generally *id.* Rather, Mr. Van Huisen fills ten pages with difficult-to-decipher statements and quotations from religious sources, films, and some unknown text that appears to be related to Christopher Columbus's ships. See *id.* The Complaint does not inform the Court who injured Mr. Van Huisen, how he was injured, where and when he was injured, and why he believes this injury was unlawful. Accordingly, Mr. Van Huisen has failed to state a claim. In the year prior to the instant Complaint, in this District alone, Mr. Van Huisen filed nine civil rights lawsuits with similarly difficult to understand and often impossible allegations, against] improper defendants." When given an opportunity and detailed instructions on how to amend, Mr. 2 || Van Huisen has failed to correct these defects. See, e.g., *Van Huisen v. Lafrades*, Case No. 23-cv- 3 4800-PCP. Although district courts generally afford prisoner litigants the opportunity to amend 4 || their complaint, a district court may deny leave to amend if it finds any of: "(1) bad faith, (2) 5 || undue delay, (3) prejudice to the opposing party, (4) futility of amendment; [or] (5) [the] plaintiff 6 || has previously amended his complaint." *Allen v. City of Beverly Hills*, 911 F.2d 367, 373 (9th Cir. 7 1990). Here, because Mr. Van Huisen sues defendants who are clearly not state actors, and in light 8 of his history of filing frivolous actions, the Court concludes that leave to amend would be futile 9 || and should not be granted. *Janicki Logging Co. v. Mateer*, 42 F.3d 561, 566 (9th Cir. 1994) (leave 10 || to amend need not be given where amendment would be futile).? 11 IV. Conclusion gq 12 This action is dismissed for failure to state a claim upon which relief may be granted. 13 Because amendment would be futile, dismissal is without leave to amend. Y 14 The Court certifies that any appeal of this order is not taken in good faith. 15 The Clerk shall terminate all pending motions and close the file. 16 17 IT IS SO ORDERED. 18 || Dated: March 26, 2025 19 LA Qo 20

P. CASEY PITTS

2] United States District Judge 22 23 4 See *Van Huisen v. Goss*, Case No. 23-cv-4210-PCP; *Van Huisen v. Gates*, Case No. 23-4447- PCP; *Van Huisen v. Central Intelligence Agency*, Case No. 23-4591-PCP; *Van Huisen v. United States Air Force*, Case No. 23-cv-4753-PCP; *Van Huisen v. Lafrades*, Case No. 23-cv-4800-PCP; *Van Huisen v. Volkswagen Motors*, Case No. 23-cv-4866-PCP; *Van Huisen v. Burns*, Case No. 23- 26 || ev-4914-PCP; *Van Huisen v. DiCaprio*, Case No. 23-cv-5081-PCP; *Van Huisen v. Chief of Staff Navy*, Case No. 24-cv-7015-PCP. 7 > For Mr. Van

Huisen's benefit, the Court notes that its dismissal means he cannot proceed on these claims and facts. If Mr. Van Huisen re-files the same claims in a new action, on the same 28 facts, that action also will be dismissed for failure to state a claim. Every dismissal for failure to state a claim is a "strike" under the Prison Litigation Reform Act.

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