

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Cowan v. San Diego County

Cowan · No. 25-cv-697-RSH-BLM · Decided April 18, 2025

SUMMARY

The United States District Court for the Southern District of California grants Latawnya Cowan’s motion to proceed in forma pauperis. The court dismisses her complaint under 28 U.S.C. § 1915(e)(2) for failure to state a plausible claim based on conclusory allegations of disability discrimination and retaliation by San Diego County. The court grants leave to amend within thirty days.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Robert S. Huie
JURISDICTION	United States District Court for the Southern District of California
DECIDED	April 18, 2025
DOCKET	25-cv-697-RSH-BLM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a civil action and moved to proceed in forma pauperis. The district court granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915(e)(2)(B), dismissed it for failure to state a claim, and granted leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss an in forma pauperis complaint that fails to state a claim; the failure-to-state-a-claim standard parallels Federal Rule of Civil Procedure 12(b)(6). The court applies the plausibility standard and construes pro se pleadings liberally.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order

TOPICS

- motions to dismiss
- pleadings
- ada / disability
- civil rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Cowan qualified to proceed in forma pauperis under 28 U.S.C. § 1915(a).
2. Whether the complaint stated a plausible claim for relief sufficient to survive mandatory screening under 28 U.S.C. § 1915(e)(2)(B).
3. Whether Cowan should be granted leave to amend after dismissal for failure to state a claim.

HOLDINGS

1. Cowan qualified to proceed in forma pauperis because her affidavit sufficiently demonstrated that she lacked the financial resources to pay the filing fee.
2. The complaint failed to state a claim because it did not identify a cause of action or allege facts plausibly establishing the elements of a claim.
3. The complaint was dismissed with leave to amend, and Cowan was required to file a complete amended complaint within thirty days.

KEY QUOTATIONS

"Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." (2)

"The 'mere possibility of misconduct' or 'unadorned, the defendant-unlawfully-harmed me accusation[s]' fall short of meeting this plausibility standard." (2)

"The amended complaint must be complete in and of itself without referring to her original pleading." (4)

FACTUAL BACKGROUND

The complaint alleged that San Diego County excluded Cowan from programs, services, federal and state benefits, and housing assistance, and took custody of her child based on her disability and civil-rights or ADA enforcement activities. She also alleged retaliation for an ADA complaint filed with California and federal civil-rights offices and asserted that County conduct violated state-court orders. The complaint was one page, and word-processing truncation made portions of the allegations unreadable.

PROCEDURAL HISTORY

Latawna Cowan filed the action against San Diego County on March 24, 2025, and filed an in forma pauperis application the next day. The district court found that she lacked the financial resources to pay the filing fee, but determined during mandatory screening that the complaint did not identify a cause of action or plead facts sufficient to state a plausible claim. The court dismissed the complaint with leave to amend within thirty days.

DISPOSITION

dismissed

CASES CITED

- Andrews v. Cervantes, 493 F.3d 1047, 1051 (9th Cir. 2007)
- Lopez v. Smith, 203 F.3d 1122, 1127 (9th Cir. 2000) (en banc)
- Barren v. Harrington, 152 F.3d 1193, 1194 (9th Cir. 1998)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- United States v. Qazi, 975 F.3d 989, 992 (9th Cir. 2020)

OPINION

Cowan v. San Diego County

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 LATAWNA COWAN, Case No.: 25-cv-697-RSH-BLM 12 Plaintiff,

ORDER GRANTING MOTION TO

13 v.

PROCEED IN FORMA PAUPERIS,

14 SAN DIEGO COUNTY, AND DISMISSING COMPLAINT

WITH LEAVE TO AMEND

15 Defendant. 16

[ECF Nos. 1, 2] 17 18 19 On March 24, 2025, plaintiff Latawnya Cowan filed this civil action against 20 defendant San Diego County (the “County”). ECF No. 1. The following day, Plaintiff filed 21 a motion to proceed in forma pauperis (“IFP”). ECF No. 2. As set forth below, the Court 22 grants Plaintiff’s IFP application, dismisses the Complaint, and grants Plaintiff leave to file 23 an amended complaint.

24 I. MOTION TO PROCEED IFP

25 All parties instituting any civil action, suit, or proceeding in a federal district court 26 of the United States, except on application for writ of habeas corpus, must pay a filing fee 27 28 1 of \$405. 28 U.S.C. § 1914. An action may proceed despite a plaintiff’s failure to pay this 2 fee only if the plaintiff is granted leave to proceed IFP pursuant to 28 U.S.C. § 1915. See 3 Andrews v. Cervantes, 493 F.3d 1047, 1051 (9th Cir. 2007). A plaintiff seeking to proceed 4 IFP must submit an affidavit that includes a complete statement of her assets and 5 demonstrates her inability to pay the filing fee. 28 U.S.C. § 1915(a). 6 Plaintiff has submitted an affidavit that sufficiently shows she lacks the financial 7 resources to pay filing fees. Accordingly, the Court GRANTS Plaintiff’s motion to proceed 8 IFP [ECF No. 2] pursuant to 28 U.S.C. § 1915(a).

9 II. INITIAL SCREENING PURSUANT TO 28 U.S.C. § 1915(e)(2)(B)

10 In connection with Plaintiff’s IFP application, the Court must also review Plaintiff’s 11 underlying Complaint to determine whether it “fails to state a claim on which relief may 12 be

granted.” 28 U.S.C. § 1915(e)(2); *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000) 13 (en banc) (“[S]ection 1915(e) not only permits but requires a district court to dismiss an in forma pauperis complaint that fails to state a claim.”). “The language of section 1915(e)(2), 15 as it applies to dismissals for failure to state a claim, ‘parallels the language of Federal Rule 16 of Civil Procedure 12(b)(6).’” *Lopez*, 203 F.3d at 1127 (quoting *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998)). 18 Under this standard, although detailed factual allegations are not required, 19 “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory 20 statements, do not suffice.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). “Determining 21 whether a complaint states a plausible claim for relief [is] . . . a context-specific task that 22 requires the court to draw on its judicial experience and common sense.” *Id.* at 679. The 23 “mere possibility of misconduct” or “unadorned, the defendant-unlawfully-harmed me 24 25 26 1 This constitutes the sum of the \$350 filing fee required under 28 U.S.C. § 1914(a) 27 and the \$55 administrative fee as prescribed by the Judicial Conference of the United States. See 28 U.S.C. § 1914(b); Judicial Conference Schedule of Fees, District Court Misc. 28 1 accusation[s]” fall short of meeting this plausibility standard. *Id.* at 678–79. Under Rule 2 12(b)(6), a complaint must “contain sufficient factual matter, accepted as true, to state a 3 claim to relief that is plausible on its face.” *Id.* at 678. The Court “construe[s] pro se 4 pleadings liberally.” *United States v. Qazi*, 975 F.3d 989, 992 (9th Cir. 2020). 5 Plaintiff’s Complaint contains a one-page statement of her claim. The word 6 processing software that she has used cuts off the rightmost portion of the text, such that 7 the Court cannot read her allegations in their entirety. The Court can, however, largely 8 surmise the missing words. The Complaint alleges that the County has “excluded Plaintiff 9 from [its] programs, services, federal [and] state benefits, [and] housing assistance,” and 10 that it has “taken custody of her child solely bas[ed] on her disability and civil rights/ADA 11 enforcement activities.” ECF No. 1 at 2. The Complaint further alleges that [i]n retaliation 12 for an ADA complaint filed with CA Civil Rights and US DHH[S] office for Civil Rights,” 13 the County is denying the Plaintiff participation in various programs. Plaintiff also alleges 14 that the County’s acts violate state court orders. 15 The Complaint raises general allegations of disability discrimination and retaliation, 16 but does not identify a cause of action, or allege facts plausibly establishing the elements 17 of a cause of action. As set forth above, her allegations are highly conclusory. She does not 18 plead facts that allow the Court to determine what happened, whether the County is 19 responsible, or whether she has a claim. 20 // 21 // 22 // 23 // 24 // 25 // 26 // 27 // 28 // 1 Accordingly, pursuant to 28 U.S.C. § 1915(e)(2), the Court DISMISSES the 2 // Complaint for failure to state a claim. Plaintiff is GRANTED leave to amend by filing an 3 // amended complaint within thirty (30) days of the date of this order. The amended 4 // complaint must be complete in and of itself without referring to her original pleading. If 5 // Plaintiff has not filed an amended complaint within that time period, the action will be 6 // dismissed without prejudice. 7 IT IS SO ORDERED. ‘

8 ||Dated: April 18, 2025 [obut ‘ Howe 9 Hon. Robert S. Huie United States District Judge 10 11
12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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