

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PRECEDENTIAL VALUE	unpublished, nonprecedential district court order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)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-southern-district-of-ca/2025/cowan-v-san-diego-county-1zcln9es>