

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

OPINION

Cowan v. San Diego County

PER CURIAM.

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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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