

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Boutros v. Bush

Boutros · No. 25cv873-LL-KSC · Decided July 9, 2025

SUMMARY

The United States District Court for the Southern District of California sua sponte dismissed Zinia Ezzet Boutros’s complaint against George W. Bush. The court held that the complaint failed to establish subject-matter jurisdiction, did not allege a cognizable claim or sufficient amount in controversy, and contained factually frivolous allegations; leave to amend was denied as futile.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Linda Lopez
JURISDICTION	United States District Court for the Southern District of California
DECIDED	July 9, 2025
DOCKET	25cv873-LL-KSC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The plaintiff, proceeding pro se, filed an action in federal district court. The court sua sponte dismissed the complaint for lack of subject-matter jurisdiction and denied leave to amend as futile.
STANDARD OF REVIEW	The court independently determined whether subject-matter jurisdiction existed, even absent a challenge by a party. Because the action was dismissed sua sponte at the pleading stage, the court assessed the sufficiency of the jurisdictional allegations from the face of the complaint.
PRECEDENTIAL VALUE	Unknown; district court order with no precedential-status designation in the source metadata.
PARTIES	Zinia Ezzet Boutros v. George W. Bush

TOPICS

- subject matter jurisdiction
- motions to dismiss
- pleadings
- civil procedure

PRACTICE AREAS

civil procedure

federal jurisdiction

civil rights

QUESTIONS PRESENTED

1. Whether the complaint established federal subject-matter jurisdiction through a federal question.
2. Whether the complaint affirmatively alleged the essential elements of diversity jurisdiction, including an amount in controversy exceeding \$75,000.
3. Whether amendment should be permitted when the complaint's allegations were factually frivolous, incoherent, and incapable of being cured by amendment.

HOLDINGS

1. The complaint failed to identify a cognizable federal claim or any coherent claim and therefore did not establish federal-question jurisdiction.
2. The complaint did not establish diversity jurisdiction because it failed to affirmatively allege an amount in controversy exceeding \$75,000 or identify cognizable damages.
3. Leave to amend was properly denied because amendment would be futile where the complaint's allegations were factually frivolous, irrational, wholly incredible, incoherent, and incapable of being cured.

KEY QUOTATIONS

“Courts “have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party.”” (1)

“The court should freely give leave when justice so requires.” (2)

“Amendment would be futile if it is clear that “the complaint could not be saved by any amendment.”” (2)

FACTUAL BACKGROUND

Plaintiff alleged that George W. Bush failed to give her an opportunity to present complaints concerning former employers, including the UPS Store, and a radio station and its participants. She also alleged fantastical conduct involving an illegal force, soul reading, brain robbery, and magic. The complaint did not identify a cognizable federal claim or allege a definite amount of damages meeting the diversity-jurisdiction threshold.

PROCEDURAL HISTORY

Plaintiff filed her complaint on April 14, 2025, asserting grievances concerning former employers, a radio station, and George W. Bush. The court independently examined subject-matter jurisdiction, found no cognizable federal claim and insufficient allegations supporting diversity jurisdiction, and dismissed the complaint without leave to amend. Pending motions were denied as moot.

DISPOSITION

dismissed

CASES CITED

- Gunn v. Minton, 568 U.S. 251, 256 (2013)
- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Arbaugh v. Y & H Corp., 546 U.S. 500, 501 (2006)
- Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 583 (1999)
- Neitzke v. Williams, 490 U.S. 319, 327 n.6 (1989)
- Rice v. U.S. Supreme Ct., 2003 WL 22999539, at *2 (N.D. Cal. Dec. 17, 2003)
- Rainero v. Archon Corporation, 844 F.3d 832, 840 (9th Cir. 2016)
- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Intri-Plex Techs. v. Crest Grp., Inc., 499 F.3d 1048, 1056 (9th Cir. 2007)
- Denton v. Hernandez, 504 U.S. 25, 33 (1992)
- Diggs v. Gallucci Shiimoto, 2024 WL 4394784, at *4 (S.D. Cal. Oct. 2, 2024)
- Sandoval v. Castillo, 2008 WL 4790521, at *1 (S.D. Cal. Nov. 3, 2008)

OPINION

Boutros v. Bush

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 ZINIA EZZET BOUTROS, Case No.: 25cv873-LL-KSC 12 Plaintiff,

ORDER SUA SPONTE DISMISSING

13 v. PLAINTIFF'S COMPLAINT

14 GEORGE W. BUSH,

[ECF No. 6] 15 Defendant. 16 17 On April 14, 2025, Plaintiff Zinia Ezzet Boutros, proceeding pro se, filed a 18 Complaint against Defendant George W. Bush. ECF No. 1. Plaintiff accuses “George W. 19 Bush for his unresponsive reaction in giving [Plaintiff] a chance to listen to [Plaintiff’s] 20 complain[t]s against [Plaintiff’s] former employer, [t]he UPS Store, and other former 21 employers and against the radio station of Jeff Detrow and Jerry Cesak.” ECF No. 1. For 22 the following reasons, Plaintiff’s Complaint is sua sponte dismissed.

23 I. LEGAL STANDARD

24 Federal courts are courts of limited jurisdiction. Gunn v. Minton, 568 U.S. 251, 256 25 (2013). “It is to be presumed that a cause lies outside this limited jurisdiction, and the 26 burden of establishing the contrary rests upon the party asserting jurisdiction.” Kokkonen 27 v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994) (internal citation omitted). 28 Courts “have an

independent obligation to determine whether subject-matter jurisdiction 1 exists, even in the absence of a challenge from any party.” *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 501 (2006) (citing *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999)). 3 In civil actions, federal subject matter jurisdiction exists where: (1) the requirements for 4 diversity jurisdiction are met; or (2) the complaint involves a federal question. See 28 U.S.C. §§ 1331, 1332. The requirements for diversity are: (1) complete diversity, and (2) 6 a minimum amount in controversy that exceeds \$75,000. 28 U.S.C. § 1332.

7 II. DISCUSSION

8 A. This Court Lacks Subject Matter Jurisdiction 9 As an initial matter, the Court is unable to identify a cognizable federal claim (or 10 any claim) in Plaintiff’s Complaint, and it may be dismissed on that ground. See *Neitzke v. Williams*, 490 U.S. 319, 327 n.6 (1989) (“A patently insubstantial complaint may be 12 dismissed . . . for want of subject-matter jurisdiction under Federal Rule of Civil Procedure 13 12(b)(1).”); see also *Rice v. U.S. Supreme Ct.*, 2003 WL 22999539, at *2 (N.D. Cal. Dec. 14 17, 2003) (dismissing complaint with prejudice for lack of subject-matter jurisdiction 15 because plaintiff failed to state “coherent claim” against defendants). 16 Additionally, “[w]hen a plaintiff originally files in federal court, . . . ‘the amount in 17 controversy is determined from the face of the pleadings.’” *Rainero v. Archon Corporation*, 18 844 F.3d 832, 840 (9th Cir. 2016) (internal quotation omitted). “Therefore, ‘[t]he essential 19 elements of diversity jurisdiction . . . must be affirmatively alleged in the pleadings.’” *Id.* 20 (internal quotation omitted). Here, even if the Court were to accept that complete diversity 21 exists, Plaintiff still fails to make any allegation regarding the amount in controversy. See 22 ECF No. 1. 23 To the extent Plaintiff discusses damages, she states, “[a]n evaluation to the damages 24 caused by the radio station of Jeff Detrow and Jerry Cesak, and by its participants that are 25 both part of the illegal force, inside and outside my previous employers, must be done to 26 give me and give each member of my family, and my both brothers’ families our civil 27 rights.” ECF No. 1 at 5. This allegation is insufficient to establish any cognizable damages 28 much less any tangible amount in controversy. See *Rainero*, 844 F.3d at 840. Because the 1 amount in controversy requirement is not met, this Court lacks subject matter jurisdiction 2 over this claim. See 28 U.S.C. § 1332. 3 B. Leave To Amend is Futile 4 “The court should freely give leave when justice so requires.” Fed. R. Civ. Proc. 5 15(a). In most cases, plaintiffs are given leave to amend because their case should be tested 6 on its merits, not its curable procedural shortcomings. *Foman v. Davis*, 371 U.S. 178, 182 7 (1962). However, a court may exercise its discretion and deny leave to amend if 8 amendment would be futile. *Id.* Amendment would be futile if it is clear that “the complaint 9 could not be saved by any amendment.” *Intri-Plex Techs. v. Crest Grp., Inc.*, 499 F.3d 10 1048, 1056 (9th Cir. 2007). 11 Here, giving Plaintiff leave to amend would be futile. Plaintiff’s allegations are 12 factually frivolous because the “facts alleged rise to the level of the irrational or the wholly 13 incredible.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). Plaintiff speaks of a “radio 14 station” that is part of an “illegal force” that is “speaking to [her] and about [her]” and

“soul 15 reading [her] private brain and robbing it.” ECF No. 1 at 4-5. Plaintiff alleges “magic was
16 performed on [her],” and that it was done so illegally. ECF No. 1 at 12. Plaintiff’s 17
Complaint repeatedly makes these allegations or similar fantastical allegations for twenty 18
pages. ECF No. 1. Not only are these allegations incoherent, they also fail to allege 19 damages to
meet the \$75,000 minimum amount in controversy requirement. See generally 20 28 U.S.C. §
1332. In sum, Plaintiff’s allegations are “fanciful and delusional, [and] ‘it is 21 absolutely clear
that the deficiencies of the complaint could not be cured by amendment.’” 22 *Diggs v. Gallucci*
Shimoto, 2024 WL 4394784, at *4 (S.D. Cal. Oct. 2, 2024) (quoting 23 *Sandoval v. Castillo*,
2008 WL 4790521 at *1 (S.D. Cal. Nov. 3, 2008)). 24 / / / 25 / / / 26 / / / 27 / / / 28 / / / 1 Ii.
CONCLUSION 2 For the reasons stated, the Court sua sponte DISMISSES Plaintiff’s Complaint 3
|| without leave to amend. In light of this Order, all pending motions (ECF Nos. 4, 5) are also 4 ||
DENIED AS MOOT. 5 IT IS SO ORDERED. 6 Dated: July 9, 2025 NO g Honorable Linda Lopez
9 United States District Judge 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28