

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Boutros v. Bush

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

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 2 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 5 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 dismissed . . . for want of subject-matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1).”); see also *Rice v. U.S. Supreme Ct.*, 2003 WL 2299539, at *2 (N.D. Cal. Dec. 14 17, 2003) (dismissing complaint with prejudice for lack of subject-matter jurisdiction because plaintiff failed to state “coherent claim” against defendants). Additionally, “[w]hen a plaintiff originally files in federal court, . . . ‘the amount in controversy is determined from the face of the pleadings.’” *Rainero v. Archon Corporation*, 844 F.3d 832, 840 (9th Cir. 2016) (internal quotation omitted). “Therefore, ‘[t]he essential 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 exists, Plaintiff still fails to make any allegation regarding the amount in controversy. See ECF No. 1. To the extent Plaintiff discusses damages, she states, “[a]n evaluation to the damages caused by the radio station of Jeff Detrow and Jerry Cesak, and by its participants that are both part of the illegal force, inside and outside my previous employers, must be done to give me and give each member of my family, and my both brothers’ families our civil rights.” ECF No. 1 at 5. This allegation is insufficient to establish any cognizable damages much less any tangible amount in controversy. See *Rainero*, 844 F.3d at 840. Because the amount in controversy requirement is not met, this Court lacks subject matter jurisdiction over this claim. See 28 U.S.C. § 1332. B. Leave To Amend is Futile “The court should freely give leave when justice so requires.” Fed. R. Civ. Proc. 15(a). In most cases, plaintiffs are given leave to amend because their case should be tested on its merits, not its curable procedural shortcomings. *Foman v. Davis*, 371 U.S. 178, 182 (1962). However, a court may exercise its discretion and deny leave to amend if an amendment would be futile. *Id.* Amendment would be futile if it is clear that “the complaint could not be saved by any amendment.” *Intri-Plex Techs. v. Crest Grp., Inc.*, 499 F.3d 1048, 1056 (9th Cir. 2007). Here, giving Plaintiff leave to amend would be futile. Plaintiff’s allegations are factually frivolous because the “facts alleged rise to the level of the irrational or the wholly incredible.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). Plaintiff speaks of a “radio station” that is part of an “illegal force” that is “speaking to [her] and about [her]” and “soul reading [her] private brain and robbing it.” ECF No. 1 at 4-5. Plaintiff alleges “magic was performed on [her],” and that it was done so illegally. ECF No. 1 at 12. Plaintiff’s 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 damages to meet the \$75,000 minimum amount in controversy requirement. See generally 28 U.S.C. § 1332. In sum, Plaintiff’s allegations are “fanciful and delusional, [and] ‘it is absolutely clear that the deficiencies of the complaint could not be cured by amendment.’” *Diggs v. Gallucci Shiomoto*, 2024 WL 4394784, at *4 (S.D. Cal. Oct. 2, 2024) (quoting *Sandoval v. Castillo*, 2008 WL 4790521 at *1 (S.D. Cal. Nov. 3, 2008)).

CONCLUSION For the reasons stated, the Court sua sponte DISMISSES Plaintiff’s Complaint

|| 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