

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Williams v. Newson

Williams · No. 3:25-cv-0728-BEN-VET · Decided May 6, 2025

SUMMARY

The United States District Court for the Southern District of California granted Walter Williams leave to proceed in forma pauperis. The court sua sponte dismissed his 42 U.S.C. § 1983 action as frivolous under 28 U.S.C. §§ 1915(e)(2)(B)(i) and 1915A(b)(1), declined to grant leave to amend, and certified that an appeal would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Roger T. Benitez
JURISDICTION	United States District Court for the Southern District of California
DECIDED	May 6, 2025
DOCKET	3:25-cv-0728-BEN-VET
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se prisoner brought a civil-rights action under 42 U.S.C. § 1983 and moved to proceed in forma pauperis. The district court granted IFP status, screened the complaint sua sponte, dismissed the action as frivolous, and certified that an IFP appeal would not be taken in good faith.
STANDARD OF REVIEW	A prisoner proceeding in forma pauperis must be screened sua sponte, and the court must dismiss a complaint that is frivolous, malicious, fails to state a claim, or seeks damages from an immune defendant. The standard for failure to state a claim under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b) is the same as the Federal Rule of Civil Procedure 12(b)(6) standard. For frivolousness, the court may pierce the veil of the complaint's factual allegations and determine whether they are fanciful, fantastic, or delusional.
PRECEDENTIAL VALUE	unpublished district court order

PARTIES

Walter Williams v. Gavin Newsom, State of California, All C.D.C.R.
Prisons, Rob Bonta, Ed Brown, Arnold Schwarzenegger

TOPICS

prisoners rights section 1983 civil procedure pleadings

PRACTICE AREAS

prisoner civil rights federal civil procedure in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether Plaintiff should be permitted to proceed in forma pauperis under 28 U.S.C. § 1915(a).
2. Whether the complaint was frivolous and therefore subject to sua sponte dismissal under 28 U.S.C. §§ 1915(e)(2)(B)(i) and 1915A(b)(1).
3. Whether leave to amend should be granted after dismissal of the complaint as frivolous.
4. Whether an appeal from the IFP dismissal would be taken in good faith.

HOLDINGS

1. The court granted Plaintiff leave to proceed in forma pauperis because his account information established insufficient available funds to pay the filing fee in full, while assessing the statutory initial partial filing fee subject to 28 U.S.C. § 1915(b)(4).
2. The complaint was frivolous because its factual allegations were fanciful, fantastic, and delusional and lacked an arguable basis in law or fact. The court dismissed the action sua sponte under 28 U.S.C. §§ 1915(e)(2)(B)(i) and 1915A(b)(1).
3. Leave to amend was not warranted because the action was frivolous and therefore had no merit.

KEY QUOTATIONS

“A pleading is “factual[ly] frivolous[]” if “the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them.”” (5)

“ “[A] complaint, containing as it does both factual allegations and legal conclusions, is frivolous where it lacks an arguable basis either in law or in fact.... [The] term ‘frivolous,’ when applied to a complaint, embraces not only the inarguable legal conclusion, but also the fanciful factual allegation.”” (5)

“When determining whether a complaint is frivolous, the court need not accept the allegations as true, but must “pierce the veil of the complaint’s factual allegations,”” (5)

FACTUAL BACKGROUND

Plaintiff, an incarcerated person, alleged that correctional personnel and state officials had used wireless technology over many years to attack inmates, control minds, extract knowledge, cause sleep deprivation, and make him hear voices. He attributed the alleged conduct to current and former California governors, the

California Attorney General, the State of California, and all CDCR prisons. He sought hundreds of millions of dollars in damages for alleged cruel and unusual punishment, assault, battery, and torture.

PROCEDURAL HISTORY

Plaintiff filed a complaint without paying the filing fee and submitted an IFP motion. The court granted the motion, assessed an initial partial filing fee subject to the statutory collection limitations, screened the complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A(b), dismissed it as frivolous without leave to amend, and directed entry of judgment and closure of the case.

DISPOSITION

dismissed

CASES CITED

- Andrews v. Cervantes, 493 F.3d 1047, 1051 (9th Cir. 2007)
- Bruce v. Samuels, 577 U.S. 82, 83-84 (2016)
- Taylor v. Delatoore, 281 F.3d 844, 850 (9th Cir. 2002)
- Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015)
- Andrews v. King, 398 F.3d 1113, 1119 (9th Cir. 2005)
- Lopez v. Smith, 203 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc)
- Rhodes v. Robinson, 621 F.3d 1002, 1004 (9th Cir. 2010)
- Nordstrom v. Ryan, 762 F.3d 903, 907 n.1 (9th Cir. 2014)
- Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Wilhelm v. Rotman, 680 F.3d 1113, 1121 (9th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Hebbe v. Pliler, 627 F.3d 338, 342 & n.7 (9th Cir. 2010)
- Bretz v. Kelman, 773 F.2d 1026, 1027 n.1 (9th Cir. 1985)
- Ivey v. Board of Regents of the University of Alaska, 673 F.2d 266, 268 (9th Cir. 1982)
- Devereaux v. Abbey, 263 F.3d 1070, 1074 (9th Cir. 2001)
- Tsao v. Desert Palace, Inc., 698 F.3d 1128, 1138 (9th Cir. 2012)
- Denton v. Hernandez, 504 U.S. 25, 33 (1992)
- Neitzke v. Williams, 490 U.S. 319, 324-28 (1989)
- Vargas v. Gonzales, 2021 WL 634949, at *4-5 (E.D. Cal. Feb. 18, 2021)
- Vargas v. Gonzales, 2021 WL 1238419, at *1 (E.D. Cal. Apr. 2, 2021)
- Johnson v. Paul, 2020 WL 6825673, at *2 (S.D. Cal. Nov. 20, 2020)
- Franklin v. Newsom, 2021 WL 5827117, at *5 (S.D. Cal. Dec. 7, 2021)

