

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Ngaruiya v. Wells Fargo Bank, N.A.

Ngaruiya · No. CV-26-01336-PHX-SHD · Decided April 9, 2026

SUMMARY

The United States District Court for the District of Arizona granted Josephine Ngaruiya’s application to proceed in forma pauperis. The court dismissed her complaint against Wells Fargo Bank, N.A., with prejudice because it raised the same or substantially similar claims previously dismissed with prejudice, making amendment futile. The court denied her motion to allow electronic filing as moot and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Sharad H. Desai
JURISDICTION	United States District Court for the District of Arizona
DECIDED	April 9, 2026
DOCKET	CV-26-01336-PHX-SHD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff applied to proceed in forma pauperis and sought permission to file electronically. The district court screened the complaint under 28 U.S.C. § 1915(e)(2) and dismissed it with prejudice.
STANDARD OF REVIEW	The court applied the screening standard under 28 U.S.C. § 1915(e)(2), using the same failure-to-state-a-claim standard as Federal Rule of Civil Procedure 12(b)(6).
PRECEDENTIAL VALUE	unknown
PARTIES	Josephine Ngaruiya v. Wells Fargo Bank, N.A.

TOPICS

- motions to dismiss
- res judicata
- civil procedure
- title vii
- employment discrimination

PRACTICE AREAS

- civil procedure
- employment law
- civil rights

QUESTIONS PRESENTED

1. Whether the plaintiff qualified to proceed in forma pauperis.
2. Whether the complaint required dismissal under 28 U.S.C. § 1915(e)(2) because it repeated claims previously dismissed with prejudice.
3. Whether the plaintiff should be granted leave to amend.
4. Whether the motion to allow electronic filing should be denied as moot after dismissal.

HOLDINGS

1. The plaintiff qualified to proceed in forma pauperis because she could not pay court costs while still affording the necessities of life.
2. The complaint was required to be dismissed with prejudice because it asserted the same claims previously dismissed with prejudice.
3. Leave to amend was properly denied because any amendment would be futile.

KEY QUOTATIONS

“Therefore, this court must dismiss an in forma pauperis complaint if it fails to state a claim or if it is frivolous or malicious.” (at 2)

“A dismissal with prejudice precludes a party from reiterating the same claims in a later case.” (at 3)

“Because any amendment would be futile, she will not be granted leave to amend.” (at 3)

FACTUAL BACKGROUND

Ngaruiya brought claims against Wells Fargo Bank, N.A., principally under Title VII, concerning alleged sexual harassment, employment discrimination, pay discrimination, and retaliation. She had previously brought the same claims, and that earlier action had been dismissed with prejudice without further leave to amend. The court determined that the present complaint repeated those claims and that amendment would be futile.

PROCEDURAL HISTORY

Ngaruiya filed claims principally under Title VII alleging sexual harassment, employment discrimination, pay discrimination, and retaliation. She had previously asserted the same or substantially similar claims in an action dismissed with prejudice without leave to amend, and another later action raising substantially similar claims was also dismissed. The court granted in forma pauperis status, dismissed the present complaint with prejudice, denied the electronic-filing motion as moot, and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Escobedo v. Applebees, 787 F.3d 1226, 1234-35 (9th Cir. 2015)
- Adkins v. E.I. Dupont de Nemours & Co., 335 U.S. 331, 339 (1948)
- Lopez v. Smith, 203 F.3d 1122, 1127 (9th Cir. 2000)
- Kennedy v. Andrews, 2005 WL 3358205, at *2 (D. Ariz. 2005)
- Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Wilhelm v. Rotman, 680 F.3d 1113, 1121 (9th Cir. 2012)
- Hairston v. Juarez, 2023 WL 2468967, at *2 (S.D. Cal. 2023)
- Ngaruiya v. Wells Fargo Bank et al., No. 2:24-cv-00773-SMM, Doc. 1 at 16 (D. Ariz. Apr. 5, 2024)
- Ngaruiya v. Urgent Psychiatric Ctr., No. 2:26-cv-01332-JJT, Doc. 6 at 2 (D. Ariz. Feb. 26, 2026)
- Procopio-Bey v. Arizona, 2021 WL 2451669, at *1 (D. Ariz. 2021)
- Leon v. IDX Systems Corp., 464 F.3d 951, 962 (9th Cir. 2006)
- Bonin v. Calderon, 59 F.3d 815, 845 (9th Cir. 1995)

OPINION

Ngaruiya

PER CURIAM.

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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Josephine Ngaruiya, No. CV-26-01336-PHX-SHD 10 Plaintiff, ORDER 11 v. 12 Wells Fargo Bank, N.A., 13 Defendant. 14 15 Pending before the Court is Plaintiff Josephine Ngaruiya’s application to proceed 16 In Forma Pauperis (“IFP”), (Doc. 3), and motion to allow electronic filing, (Doc. 6). For 17 the reasons stated below, Ngaruiya’s IFP application will be granted, and her Complaint, 18 (Doc. 1), will be dismissed with prejudice. Her motion to allow electronic filing will be 19 denied as moot.

20 I. IFP APPLICATION

21 “There is no formula set forth by statute, regulation, or case law to determine when 22 someone is poor enough to earn IFP status.” Escobedo v. Applebees, 787 F.3d 1226, 1235 23 (9th Cir. 2015). “An affidavit in support of an IFP application is sufficient where it alleges 24 that the affiant cannot pay the court costs and still afford the necessities of life.” Id. at 1234 25 (citing Adkins v. E.I. Dupont de Nemours & Co., 335 U.S. 331, 339 (1948)). 26 Having reviewed the application to proceed IFP, (Doc. 3), I find Ngaruiya cannot 27 pay court costs and still afford necessities. Thus, the motion to proceed IFP will be granted. 28

1 II. SCREENING THE COMPLAINT

2 Because Ngaruiya is proceeding IFP in this case, I must screen her Complaint. 3 A. Legal Standard 4 Congress provided with respect to in forma pauperis cases that a district court 5 “shall dismiss the case at any time if the court determines” that the “allegation of poverty is untrue” or that the “action or appeal” is “frivolous 6 or malicious,” “fails to state a claim on which relief may

be granted,” or 7 “seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2). While much of section 1915 outlines how prisoners 8 can file proceedings in forma pauperis, section 1915(e) applies to all in forma 9 pauperis proceedings, not just those filed by prisoners. *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000). “It is also clear that section 1915(e) not only 10 permits but requires a district court to dismiss an in forma pauperis complaint 11 that fails to state a claim.” *Id.* Therefore, this court must dismiss an in forma pauperis complaint if it fails to state a claim or if it is frivolous or malicious. 12 13 *Kennedy v. Andrews*, 2005 WL 3358205, at *2 (D. Ariz. 2005). 14 “The standard for determining whether a plaintiff has failed to state a claim 15 upon which relief can be granted under § 1915(e)(2)(B)(ii) is the same as the Federal Rule of Civil Procedure 12(b)(6) standard for failure to state a 16 claim.” *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012); see also 17 *Wilhelm v. Rotman*, 680 F.3d 1113, 1121 (9th Cir. 2012) (noting that screening pursuant to § 1915A “incorporates the familiar standard applied in 18 the context of failure to state a claim under Federal Rule of Civil Procedure 19 12(b)(6)”). 20 *Hairston v. Juarez*, 2023 WL 2468967, at *2 (S.D. Cal. 2023). 21 B. Ngaruiya’s Complaint 22 Ngaruiya brings several claims against Defendant Wells Fargo Bank, N.A., 23 principally under Title VII of the Civil Rights Act, arising out of alleged sexual harassment, 24 employment discrimination, pay discrimination, and retaliation. (See Docs. 1, 7.) 25 Ngaruiya has, however, brought these claims before. See *Ngaruiya v. Wells Fargo Bank* 26 et al., No. 2:24-cv-00773-SMM, Doc. 1 at 16 (D. Ariz. April 5, 2024). Indeed, as Ngaruiya 27 acknowledges, (Doc. 1 at 3; Doc. 7 at 1), Judge McNamee dismissed her claims under 28 § 1915(e) with prejudice, declining to grant her further leave to amend, (*id.* at Doc. 25). 1 || And as Judge Tuchi recently held in dismissing yet another case Ngarutya filed, here she 2|| “simply attempts to bring a new case raising the same or substantially similar claims to || those the Court already dismissed without leave to amend,” and “[t]he Court must therefore dismiss [Ngarutya’s] present Complaint.” *Ngaruiya v. Urgent Psychiatric Ctr.*, No. 2:26- || cv-01332-JJT, Doc. 6 at 2 (D. Ariz. February 26, 2026). 6 “A dismissal with prejudice precludes a party from reiterating the same claims in a later case.” *Procopio-Bey v. Arizona*, 2021 WL 2451669, at *1 (D. Ariz. 2021) (citing 8 || *Leon v. IDX Systems Corp.*, 464 F.3d 951, 962 (9th Cir. 2006)). Ngaruiya’s Complaint || raises the same claims asserted in her prior case, which was dismissed with prejudice on January 28, 2026. Her present Complaint will therefore be dismissed. Because any 11 || amendment would be futile, she will not be granted leave to amend. *Bonin v. Calderon*, 12}, 59 F.3d 815, 845 (1995) (‘Futility of amendment can, by itself, justify the denial □□ of... leave to amend.’). 14 Accordingly, 15 IT IS ORDERED granting Ngaruiya’s Application for Leave to Proceed IFP, (Doc. 3). 17 IT IS FURTHER ORDERED dismissing Ngaruiya’s Complaint, (Doc. 1), with prejudice. 19 IT IS FURTHER ORDERED denying the Motion to Allow Electronic Filing, 20 || (Doc. 6), as moot. 21 IT IS FURTHER ORDERED directing the Clerk of Court to enter judgment 22 || accordingly and close this case. 23 Dated this 9th day of April, 2026. 24 26 yf 7 H le Sharad H. Desai United States District Judge 28 _3-

