

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)