

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Phillis Wheatley Association and Nadia Smalley v. Joel Wohlfeil, et al.

No. 25cv1529-BEN (DDL) (S.D. Cal. July 14, 2025) · No. 25cv1529-BEN (DDL) · Decided July 14, 2025

SUMMARY

The United States District Court for the Southern District of California denied the Phillis Wheatley Association's application to proceed in forma pauperis because an association is not entitled to the benefits of 28 U.S.C. § 1915. The court granted Nadia Smalley's application but dismissed the complaint as frivolous because she was attempting to assert claims belonging to a church or association without licensed counsel. The dismissal was without leave to amend, and the clerk was directed to enter judgment and close the case.

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	July 14, 2025
DOCKET	25cv1529-BEN (DDL)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs jointly applied to proceed in forma pauperis. The court denied the association's application, granted Nadia Smalley's application, screened the complaint under 28 U.S.C. § 1915(e)(2), and dismissed the complaint as frivolous without leave to amend.
STANDARD OF REVIEW	Mandatory sua sponte screening under 28 U.S.C. § 1915(e)(2), including dismissal of an in forma pauperis complaint that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated in the opinion.

TOPICS

- civil procedure
- motions to dismiss
- civil rights
- due process
- first amendment

PRACTICE AREAS

Civil procedure

Federal courts

Civil rights

QUESTIONS PRESENTED

1. Whether the Phillis Wheatley Association could proceed in forma pauperis under 28 U.S.C. § 1915.
2. Whether Nadia Smalley could proceed in forma pauperis based on her financial affidavit.
3. Whether a pro se individual may represent an unincorporated association, church, or other artificial entity in federal court.
4. Whether the complaint had to be dismissed as frivolous under 28 U.S.C. § 1915(e)(2) when Smalley asserted claims belonging to a church or association rather than claims belonging to herself.
5. Whether leave to amend should be granted.

HOLDINGS

1. The association could not proceed in forma pauperis because it did not sign the application or supporting affidavit and, independently, an association is not a person entitled to the benefits of 28 U.S.C. § 1915(a).
2. Smalley was entitled to proceed in forma pauperis because her affidavit showed monthly income and expenses of \$911, leaving no funds available to pay the filing fee.
3. A pro se individual may represent herself but may not represent a church, association, corporation, partnership, or other artificial entity in federal court; such entities must appear through licensed counsel.
4. The complaint was frivolous and had to be dismissed under 28 U.S.C. § 1915(e)(2) because Smalley, proceeding pro se, asserted only claims belonging to a church or association that she could not represent.
5. Leave to amend was denied because the complaint's defect could not be remedied by amendment: Smalley could not represent the church or association as a pro se litigant.

KEY QUOTATIONS

“It has been the law for the better part of two centuries, for example, that a corporation may appear in the federal courts only through licensed counsel.” (at 2)

“Therefore, while pro se litigants can represent themselves, they cannot represent corporations, companies or other artificial entities.” (at 2)

“Therefore, the Court finds Smalley’s Complaint must be dismissed as frivolous under §1915(e)(2).” (at 3-4)

FACTUAL BACKGROUND

The Phillis Wheatley Association and Nadia Smalley sought to sue Judge Joel Wohlfeil, County Assessor Division Chief David Gonzalez, and Silvergate RSF based on alleged violations involving a church's tax exemption, religious land use, freedom of assembly, due process, and civil rights. The plaintiffs sought damages and an order granting the church a tax exemption. Smalley signed an affidavit reporting monthly Social Security

Disability Insurance income and equal monthly expenses, while the association neither signed the application nor submitted a supporting affidavit.

PROCEDURAL HISTORY

The Phillis Wheatley Association and Nadia Smalley sought to commence an action against a state judge, a county assessor division chief, and Silvergate RSF. No filing fee was paid, and the plaintiffs jointly submitted an in forma pauperis application signed only by Smalley. After granting Smalley in forma pauperis status, the court conducted mandatory screening and dismissed the complaint because Smalley, proceeding pro se, attempted to assert claims belonging to a church or association rather than claims belonging to herself. The court directed the Clerk to enter judgment and close the case.

DISPOSITION

dismissed

CASES CITED

- Denton v. Hernandez, 504 U.S. 25, 31, 33 (1992)
- Rowland v. California Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 201-02 (1993)
- Lopez v. Smith, 203 F.3d 1122, 1126-27, 1127 n.8 (9th Cir. 2000) (en banc)
- Neitzke v. Williams, 490 U.S. 319, 324 (1989)
- Dr. JKL Ltd. v. HPC IT Education Center, 749 F. Supp. 2d 1038, 1046 (N.D. Cal. 2010)