

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

William Allen Garrett v. Sycuan Casino, et al.

William Allen Garrett v. Sycuan Casino, No. 3:25-cv-01596-JES-KSC (S.D. Cal. July 29, 2025) · No. 3:25-cv-01596-JES-KSC · Decided July 29, 2025

SUMMARY

The United States District Court for the Southern District of California denied William Allen Garrett’s application to proceed in forma pauperis and dismissed his complaint with prejudice. The court held that the new complaint, concerning an allegedly unpaid jackpot and adding an ADA discrimination claim, was materially the same as a previously dismissed action and did not overcome sovereign immunity or state a claim. The court also overruled Garrett’s objection concerning sovereign immunity as moot and directed the Clerk to close the case.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 WILLIAM ALLEN GARRETT, Case No.: 3:25-cv-01596-JES-KSC 12
Plaintiff, ORDER: 13 v. (1) DENYING APPLICATION TO 14 SYCUAN CASINO, et al.,
PROCEED IN FORMA PAUPERIS 15 Defendants. AND DISMISSING CASE WITH
PREJUDICE; 16 17 (2) OVERRULING OBJECTION AS MOOT 18 19 [ECF Nos. 2, 5] 20 On
June 20, 2025, Plaintiff William Allen Garrett (“Plaintiff”) proceeding pro se, 21 filed a complaint
alleging due process and ADA discrimination punishment naming 22 Defendant Sycuan Casino1
and individual employees of Sycuan Casino in their official 23 24 25 1 The Court presumes
Plaintiff means to refer to the Sycuan Band of the Kumeyaay Nation, which is a 26 “federally
recognized tribe of Mission Indians from Southern California, located in an unincorporated area of
San Diego County just east of El Cajon.

The Sycuan band are a Kumeyaay tribe, one of the four ethnic 27 groups indigenous to San Diego
County.” See https://en.wikipedia.org/wiki/Sycuan_Band_of_the_Kumeyaay_Nation (last visited
August 10, 2024). 28 1 capacity. ECF No. 1 (“Compl.”). Plaintiff filed a Motion to Proceed In
Forma Pauperis 2 (“IFP”). ECF No. 2.

On July 7, 2025, Plaintiff filed an objection against sovereign 3 immunity. ECF No. 5. Upon
review, the Court DENIES Plaintiff’s IFP request and 4 DISMISSES WITH PREJUDICE
Plaintiff’s complaint under 28 U.S.C. § 1915(e).

The 5 Court OVERRULES Plaintiff’s objection as MOOT. 6 Plaintiff previously filed a complaint
regarding this matter. See 3:24-cv-01296-JES- 7 SBC, ECF No. 1. On July 25, 2024, Plaintiff,

proceeding pro se, filed a complaint alleging 8 breach of contract, fourteenth amendment and due process violations naming Defendant 9 Sycuan Casino and individual employees of Sycuan Casino in their official capacity.

Id. 10 Plaintiff filed a Motion to Proceed IFP in that case and the Court conducted a screening 11 pursuant to 28 U.S.C. § 1915(e)(2) and dismissed the case with prejudice since Sycuan 12 Casino is entitled to sovereign immunity. *Garrett v. Sycuan Casino*, No. 3:24-cv-01296- 13 JES-SBC, 2024 WL 3798398, at *2 (S.D. Cal. Aug. 13, 2024) (“Garrett I”).

In *Garrett I*, 14 Plaintiff alleged he was deprived of a \$2,335 jackpot won while at Sycuan Casino. Id. at 15 *1. 16 On June 20, 2025, Plaintiff once again filed a complaint against Sycuan Casino, a 17 commissioner and a slot machine supervisor alleging a due process violation and ADA 18 discrimination. Compl. at 5-8. This new complaint relates to the jackpot Plaintiff 19 previously alleged he won and was deprived of receiving.

Id. at 7. The factual allegations 20 in this new case are the same as *Garrett I* and the only cause of action that is different is a 21 new cause of action for ADA discrimination. The Court previously dismissed Plaintiff’s 22 initial case with prejudice, because Sycuan is entitled to sovereign immunity. See *Garrett I*, 2024 WL 3798398, at *2. Plaintiff’s new cause of action does not change that analysis.

24 25 26 27 Sycuan Casino is an Indian gaming casino owned by the Sycuan Tribe. See 28 I Thus, the Court concludes Plaintiff's complaint must be dismissed sua sponte for 2 ||failing to state a claim upon which relief can be granted pursuant to 28 U.S.C. §§ 3 1915(e)(2)(B)(i) and 1915A(b)(1). 4 For the foregoing reasons, the Court DISMISSES with prejudice Plaintiffs 5 ||Complaint in its entirety based on his failure to state a claim upon which relief may be 6 || granted pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(1) and 1915A(b)(1); and the Court finds 7 ||amendment would be futile.

See *Gonzalez v. Planned Parenthood of L.A.*, 759 F.3d 1112, 8 (9th Cir. 2014) (“Futility of amendment can, by itself, justify the denial of... leave 9 amend.”) (quoting *Bonin v. Calderon*, 59 F.3d 815, 845 (9th Cir. 1995)).

The Clerk of 10 || Court is directed to close this case. No further filings will be accepted on this case. 11 IT IS SO ORDERED. 12 Dated: July 29, 2025 13 4 we Sn— “4 A. 14 Honorable James E. Simmons Jr 15 United States District Judge 16 17 18 19 20 21 22 23 24 25 26 27 28