

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rochanda Zigler, et al. v. Nelnet, et al.

Zigler v. Nelnet · No. 2:25-cv-02996-DAD-CKD PS · Decided October 22, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Rochanda Ziegler’s request to proceed in forma pauperis. The court dismisses the complaint for failure to identify a legal cause of action or allege sufficient facts, but grants leave to amend within thirty days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 22, 2025
DOCKET	2:25-cv-02996-DAD-CKD PS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a pro se complaint and an application to proceed in forma pauperis. The magistrate judge granted the in forma pauperis request and screened the complaint under 28 U.S.C. § 1915(e), dismissing it with leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss an in forma pauperis action that is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The court liberally construes pro se pleadings, accepts adequately pleaded factual allegations as true unless clearly baseless, and applies the plausibility standard under Twombly and Iqbal.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district-court order
PARTIES	Rochanda Zigler, et al. v. Nelnet, et al., United States Department of Education

TOPICS

- pleadings
- civil procedure
- subject matter jurisdiction
- trusts

PRACTICE AREAS

civil procedure

federal pleading and screening

in forma pauperis proceedings

trust-related litigation

QUESTIONS PRESENTED

1. Whether the plaintiff's application to proceed in forma pauperis satisfied the requirements of 28 U.S.C. § 1915(a).
2. Whether the complaint stated a plausible claim for relief under the screening standard applicable to in forma pauperis proceedings.
3. Whether the complaint should be dismissed with leave to amend because its deficiencies might be cured by amendment.

HOLDINGS

1. The plaintiff's application satisfied the showing required by 28 U.S.C. § 1915(a), so the request to proceed in forma pauperis was granted.
2. The complaint failed to state a claim because it identified no specific cause of action and alleged no facts from which the court could infer a claim within the court's original jurisdiction.
3. The complaint was dismissed with leave to amend because it was not absolutely clear that amendment could not cure the pleading defects.

KEY QUOTATIONS

"A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." (6)

"Unless it is absolutely clear that no amendment can cure the defect... a pro se litigant is entitled to notice of the complaint's deficiencies and an opportunity to amend prior to dismissal of the action." (6)

FACTUAL BACKGROUND

Rochanda Zigler, trustee of the Murphybey Trust, filed a pro se complaint naming Nelnet and the Department of Education as defendants. The complaint alleged only that she sent the defendants two negotiable instruments that were never returned, characterizing this as dishonor of tender of payment. She asserted diversity jurisdiction but did not identify a legal cause of action or provide facts supporting one.

PROCEDURAL HISTORY

Zigler, proceeding pro se as trustee of the Murphybey Trust, filed a complaint against Nelnet and the Department of Education alleging that two negotiable instruments were not returned. The complaint invoked diversity jurisdiction but identified no legal cause of action. On screening, the court found that the pleading failed to state a claim and dismissed it with thirty days' leave to amend.

DISPOSITION

dismissed

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1126-27 (2000)
- Eldridge v. Block, 832 F.2d 1132, 1137 (1987)
- Boag v. MacDougall, 454 U.S. 364, 365 (1982) (per curiam)
- Neitzke v. Williams, 490 U.S. 319, 325, 327 (1989)
- Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (2010), cert. denied, 564 U.S. 1037 (2011)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Western Mining Council v. Watt, 643 F.2d 618, 624 (1981)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Noll v. Carlson, 809 F.2d 1446, 1448 (1987)
- Lucas v. Dep't of Corr., 66 F.3d 245, 248 (1995)

OPINION

Nelnet

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 ROCHANDA ZIGLER, et. al., No. 2:25-cv-02996-DAD-CKD PS 12 Plaintiff, 13

v. ORDER GRANTING IFP REQUEST

14

NELNET, et. al., AND DISMISSING WITH LEAVE TO

15

AMEND

Defendants. 16 17 18 Plaintiff Rochanda Ziegler, trustee of the Murphybey Trust, proceeds pro se
in this action 19 which is referred to the undersigned by Local Rule 302(c)(21) pursuant to 28
U.S.C. § 636(b). 20 Plaintiff has filed an application in support of her request to proceed in forma
pauperis which 21 makes the showing required by 28 U.S.C. § 1915(a). (ECF No. 2.) The request
will be granted. 22

I. SCREENING REQUIREMENT

23 Pursuant to 28 U.S.C. § 1915(e), the court must screen every in forma pauperis 24 proceeding,
and must order dismissal of the case if it is “frivolous or malicious,” “fails to state a 25 claim on
which relief may be granted,” or “seeks monetary relief against a defendant who is 26 immune

from such relief.” 28 U.S.C. § 1915(e)(2)(B); *Lopez v. Smith*, 203 F.3d 1122, 1126-27 27 (2000). In performing this screening, the court liberally construes a pro se plaintiff’s pleadings. 28 1 See *Eldridge v. Block*, 832 F.2d 1132, 1137 (9th Cir. 1987) (citing *Boag v. MacDougall*, 454 2 U.S. 364, 365 (1982) (per curiam).

3 II. ALLEGATIONS IN THE COMPLAINT

4 Plaintiff’s complaint names Nelnet and the Department of Education as defendants. The 5 complaint is devoid of factual allegations, other than plaintiff’s claim that she “sent Nelnet and 6 Dept of Education 2 negotiable instruments that were never returned. This is dishonor of tender of 7 payment.” (ECF No. 1 at 5.) Plaintiff alleges diversity jurisdiction, but fails to identify any legal 8 cause of action.

9 III. PLEADING STANDARDS

10 Pursuant to 28 U.S.C. § 1915(e), the court must screen every in forma pauperis 11 proceeding, and must order dismissal of the case if it is “frivolous or malicious,” “fails to state a 12 claim on which relief may be granted,” or “seeks monetary relief against a defendant who is 13 immune from such relief.” 28 U.S.C. § 1915(e)(2)(B); *Lopez v. Smith*, 203 F.3d 1122, 1126-27 14 (2000). A claim is legally frivolous when it lacks an arguable basis either in law or in fact. 15 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). In reviewing a complaint under this standard, the 16 court accepts as true the factual allegations contained in the complaint, unless they are clearly 17 baseless or fanciful, and construes those allegations in the light most favorable to the plaintiff. 18 See *Neitzke*, 490 U.S. at 327; *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 19 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011). 20 Pro se pleadings are held to a less stringent standard than those drafted by lawyers. *Haines 21 v. Kerner*, 404 U.S. 519, 520 (1972). However, the court need not accept as true conclusory 22 allegations, unreasonable inferences, or unwarranted deductions of fact. *Western Mining Council 23 v. Watt*, 643 F.2d 618, 624 (9th Cir. 1981). A formulaic recitation of the elements of a cause of 24 action does not suffice to state a claim. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-57 25 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). 26 To state a claim on which relief may be granted, the plaintiff must allege enough facts “to 27 state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A claim has facial 28 plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable 1 || inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678. A pro se 2 || litigant is entitled to notice of the deficiencies in the complaint and an opportunity to amend 3 || unless the complaint’s deficiencies could not be cured by amendment. See *Noll v. Carlson*, 809 4 | F.2d 1446, 1448 (9th Cir. 1987), superseded on other grounds by statute as stated in *Lopez v. 5 || Smith*, 203 F.3d 1122 (9th Cir. 2000) (en banc).

6 IV. THE COMPLAINT FAILS TO STATE A CLAIM

7 Plaintiff has neither alleged a specific cause of action nor provided any facts from which 8 | the court can infer a cause of action over which the court has original jurisdiction. If plaintiff 9 | chooses to file an amended complaint she must set forth the facts she believes supports a legal 10 |

claim, as well as identify the legal claim she is pursuing.

11 V. CONCLUSION

12 The complaint must be dismissed, but plaintiff is granted leave to file an amended 13 |
complaint. See *Lucas v. Dep't of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995) (“Unless it is absolutely
14 | clear that no amendment can cure the defect... a pro se litigant is entitled to notice of the 15 ||
complaint’s deficiencies and an opportunity to amend prior to dismissal of the action.”). An 16 |
amended complaint should be titled “First Amended Complaint.” Local Rule 220 requires that an
17 || amended complaint be complete by itself without reference to any prior pleading. 18 For the
reasons set forth above, IT IS ORDERED as follows: 19 1. Plaintiff’s request to proceed in forma
pauperis (ECF No. 2) is GRANTED. 20 2. Plaintiff’s complaint (ECF No. 1) is dismissed with
leave to amend. 21 3. Plaintiff is granted thirty days from the date of service of this order to file an
amended 22 complaint that complies with the requirements of the Federal Rules of Civil
Procedure 23 and the Local Rules of Practice; failure to file an amended complaint in accordance
24 with this order will result in a recommendation that this action be dismissed. 25 | Dated:
October 21, 2025 / ae I / dle ae 27 CKD Zieler.2996.sem UNITED STATES MAGISTRATE
JUDGE 28