

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PRECEDENTIAL VALUE	Unpublished, nonprecedential district-court order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)

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