

**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

OPINION

Nelnet

PER CURIAM.

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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

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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