

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Clemmons v. Annberry Transitional Care, et al.

Clemmons · No. 1:25-cv-00662-SKO · Decided June 11, 2025

OPINION

1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8
9 TREHANA CLEMMONS, Case No. 1:25-cv-00662-SKO 10 Plaintiff, FINDINGS AND
RECOMMENDATION THAT PLAINTIFF’S COMPLAINT BE 11 v. D A I M S E M N I S D S
ED WITHOUT LEAVE TO 12 (Doc. 1) 13 ANNBERRY TRANSITIONAL CARE, et al.,
TWENTY-ONE DAY DEADLINE 14 Defendants. Clerk to Assign District Judge 15
_____/ 16 Plaintiff Trehana Clemmons is proceeding pro
se and in forma pauperis in this action.

17 Plaintiff filed her complaint in the Sacramento Division of this Court on June 2, 2025. (Doc.
1). 18 The case was transferred, sua sponte, to the Fresno Division on June 4, 2025. (See Doc. 3.)
The 19 complaint purports to allege claims against Annberry Transitional Care, Dignity Health,
Mercy 20 Medical Center, Mercy San Juan Medical Center, and Kaiser Permanente under the U.S.
21 Constitution, federal statutes, and treaties.

(Doc. 1 at 1–4.) Upon review, the undersigned concludes 22 that the allegations are frivolous and
fail to state a claim and recommends dismissing Plaintiff’s 23 complaint without leave to amend.
24 25 I. SCREENING REQUIREMENT 26 As Plaintiff is proceeding in forma pauperis, the
Court screens the complaint under 28 27 U.S.C. § 1915. (Doc. 6.) “Notwithstanding any filing fee,
or any portion thereof, that may have 28 been paid, the court shall dismiss the case at any time if
the court determines that the action or appeal 1 fails to state a claim upon which relief may be
granted.” 28 U.S.C. § 1915(e)(2)(B)(ii).

2 A complaint is required to contain “a short and plain statement of the claim showing that the 3
pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Detailed factual allegations are not required, 4
but “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory 5
statements, do not suffice.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell Atlantic Corp.*
6 v. *Twombly*, 550 U.S. 544, 555 (2007)).

A plaintiff must set forth “sufficient factual matter, accepted 7 as true, to ‘state a claim to relief
that is plausible on its face.’” *Id.* (quoting *Twombly*, 550 U.S. at 8 570). The mere possibility of
misconduct falls short of meeting this plausibility standard. *Id.* at 9 679. While a plaintiff’s
allegations are taken as true, courts “are not required to indulge unwarranted 10 inferences.” *Doe I*
v. *Wal-Mart Stores, Inc.*, 572 F.3d 677, 681 (9th Cir.

2009) (citation and internal 11 quotation marks omitted). Additionally, a plaintiff's legal conclusions are not accepted as true. 12 *Iqbal*, 556 U.S. at 678. 13 Pleadings of pro se plaintiffs "must be held to less stringent standards than formal pleadings 14 drafted by lawyers." *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010) (holding that pro se 15 complaints should continue to be liberally construed after *Iqbal*).

16 II. SUMMARY OF PLAINTIFF'S COMPLAINT 17 The allegations in the complaint are unintelligible. They state in their entirety: 18 I am subject to Alpha and Omega, the Most High God Yuhv. Defendants all violated my God inalienable rights such as Psalm 105:15 as one example. Incidents 19 began March 1985 and have perpetually ongoing to this day. I invoke my God inalienable rights nunc pro tunc, tunc pro nunc ab initio.

Ephrata! 20 21 (Doc. 1 at 5.) Plaintiff further alleges that the amount in controversy is "1.8x10¹³ in Troy Gold" and 22 that her claims arise under the U.S. Constitution, the Elder Justice Act, the "Patient Bill of Rights 23 and Responsibilities," Hippocratic Oath, Title VII of the Civil Rights Act of 1964, "1611 KJV 24 Bible," "RICO," "Peace and Friendship Treaty," "American Indian Treaties," "Dancing Rabbit 25 Treaties," "American Law," "Congressional Law," "International Law," "Due Process," "HIPAA," 26 "EMTALA," and various sections of Titles 18 and 24 of the United States Code and the Code of 27 Federal Regulations.

(Id. at 4–5.) As for relief sought, Plaintiff writes: 28 God open Heavens flood gates ephrata! BABYLON must fall now! Cease and 1 certified copy of your authority over me and my ancestral DNA. Effective 2 immediately, go try hiding under ground. Crawl on your belly indefinitely. Eat dust forever. Eternally be casted into the lake of fire.

The Devil horns are broken 3 forever. Caduceus shall be broken, never to rise up again! Yeshura Hamashiak name shalom! 4 5 (Id. at 6.) 6 III. ANALYSIS OF PLAINTIFF'S COMPLAINT 7 The complaint fails to state a claim; it does not specify how the above authorities support 8 Plaintiff's allegations or explain how the defendants engaged in wrongful actions. A complaint 9 must identify each of the defendant's actions that support a plaintiff's claims.

See *Jones v. Cmty. 10 Redev. Agency*, 733 F.2d 646, 649 (9th Cir. 1984) ("The plaintiff must allege with at least some 11 degree of particularity overt acts which defendants engaged in that support the plaintiff's claim."). 12 The complaint does not, as Rule 8 requires, put any defendant on notice of the specific claims against 13 them.

For example, Plaintiff fails to articulate how the Elder Justice Act creates a cause of action 14 against any defendant. See *Wister v. White*, No. 19-CV-05882-WHO, 2019 WL 6841370, at *3 15 (N.D. Cal. Dec. 16, 2019) (dismissing the plaintiff's claim under the Elder Justice Act because it 16 does not confer a private right of action.). Plaintiff also fails to explain how the defendants

violated 17 the “Peace and Friendship Treaty.” See *Bey v. Linder*, No. 2:19-cv-1745-TLN-DB (PS), 2020 WL 18 5110357 (E.D.

Cal. Aug. 31, 2020) (noting that claims based on the violation of the Treaty of Peace 19 and Friendship have repeatedly been found to be frivolous); see also *Ingram El v. Crail*, No. 2:18- 20 cv-1976-MCE-EFB (PS), 2019 WL 3860192, at *3 (E.D. Cal. Aug. 16, 2019). 21 Apart from Plaintiff’s failure to state a claim, her complaint is frivolous. A complaint will 22 be considered frivolous, and therefore subject to dismissal under § 1915(e)(2)(B), “where it lacks 23 an arguable basis either in law or in fact.” *Nietzke v. Williams*, 490 U.S. 319, 325 (1989); see also 24 *Denton v. Hernandez*, 504 U.S. 25, 32–33 (1992) (“At the same time that it sought to lower judicial 25 access barriers to the indigent, however, Congress recognized that ‘a litigant whose filing fees and 26 court costs are assumed by the public, unlike a paying litigant, lacks an economic incentive to refrain 27 from filing frivolous, malicious, or repetitive lawsuits.’”).

A federal court cannot properly sua 28 sponte dismiss an action commenced in forma pauperis if the facts alleged in the complaint are 1 merely “unlikely.” *Denton*, 504 U.S. at 33. However, a complaint may be properly dismissed sua 2 sponte if the allegations are found to be “fanciful,” “fantastic,” or “delusional,” or if they “rise to 3 the level of the irrational or the wholly incredible.” *Id.* at 32–33.

If a case is classified as frivolous, 4 “there is, by definition, no merit to the underlying action and so no reason to grant leave to amend.” 5 *Lopez v. Smith*, 203 F.3d 1122, 1127 n. 8 (9th Cir. 2000). 6 Plaintiff’s complaint is frivolous under this legal standard. Plaintiff does not set forth any 7 facts. Her statement of claim and request for relief are incoherent and fanciful.

Accordingly, 8 Plaintiff’s complaint should be dismissed without leave to amend. See, e.g., *Sameer v. Khera*, No. 9 1:17-cv-01748-DAD-EPG, 2018 WL 6338729, at *2 (E.D. Cal. Dec. 5, 2018), appeal dismissed as 10 frivolous, No. 19-15011, 2019 WL 7425404 (9th Cir. Aug. 27, 2019) (dismissing the case with 11 prejudice for lack of subject matter jurisdiction as “the only appropriate response” to “fanciful 12 allegations” in complaint that “alleges the existence of a vast conspiracy bent on plaintiff’s 13 destruction”); *Ayres v. Obama*, Civil No. 13–00371 SOM/RLP, 2013 WL 5754953, at *2 (D.

14 Hawai’i Oct. 22, 2013) (allegations that FBI implanted biochips in plaintiff and her family to turn 15 them into “a living vegetable or a New World Order slave” were “so ‘fantastic’ and ‘fanciful’ as to 16 be clearly baseless”); *Bivolarevic v. U.S. CIA*, No. C 09-4620 SBA, 2010 WL 890147, at *1–2 (N.D. 17 Cal. Mar. 8, 2010) (court lacked jurisdiction over claims that CIA subjected plaintiff to “voice to 18 skull technology” as a “mind control weapon”).

19 IV. CONCLUSION AND RECOMMENDATION 20 For the foregoing reasons, the undersigned recommends that Plaintiff’s complaint be 21 dismissed, without leave to amend.

Although this is Plaintiff's first complaint, it is clear from the face of the complaint that it is frivolous.1 23 Accordingly, based on the foregoing, IT IS RECOMMENDED that: 24 1. Plaintiff's complaint be dismissed, without leave to amend; and 25 2.

The Clerk of the Court be instructed to close the case. 26 These findings and recommendation will be submitted to the United States district judge 27 28 1 If Plaintiff believes that she can cure this deficiency in an amended complaint, she may file objections to these Findings 1 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1).

Within twenty-one 2 (21) days after being served with these findings and recommendation, Plaintiff may file written 3 objections with the Court. The document should be captioned "Objections to Magistrate Judge's 4 Findings and Recommendation." Plaintiff is advised that failure to file objections within the 5 specified time may result in the waiver of rights on appeal.

Wilkerson v. Wheeler, 772 F.3d 834, 6 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)). 7 Additionally, Clerk of the Court is DIRECTED to assign a district judge to this case. 8 IT IS SO ORDERED. 9 10 Dated: June 11, 2025 /s/ Sheila K. Oberto. UNITED STATES MAGISTRATE JUDGE 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28