

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Tatiana Hamilton v. Trincon Residential, et al.

Hamilton · No. 2:25-cv-02504-GMN-BNW · Decided December 19, 2025

SUMMARY

The United States District Court for the District of Nevada grants Tatiana Hamilton's application to proceed in forma pauperis and screens her complaint under 28 U.S.C. § 1915(e)(2). The magistrate judge recommends dismissal with prejudice because the asserted right of redemption is not a recognized cause of action, the alleged violation of Nevada law is unclear, and the court lacks federal subject-matter jurisdiction.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Brenda Weksler
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 19, 2025
DOCKET	2:25-cv-02504-GMN-BNW
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff filed a civil complaint and moved to proceed in forma pauperis. The magistrate judge granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915(e)(2), and issued an order and report and recommendation recommending dismissal with prejudice.
STANDARD OF REVIEW	The court screened the complaint under 28 U.S.C. § 1915(e)(2), applying the Federal Rule of Civil Procedure 12(b)(6) failure-to-state-a-claim standard. Material factual allegations were accepted as true and construed in the light most favorable to the plaintiff, and the pro se complaint was liberally construed.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- motions to dismiss
- subject matter jurisdiction
- pleadings
- civil procedure
- trusts

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint stated a cognizable claim for relief under the in forma pauperis screening provisions of 28 U.S.C. § 1915(e)(2).
2. Whether the asserted right of redemption constituted a recognized cause of action.
3. Whether the allegations concerning NRS 247.145 established a claim within the federal district court's subject matter jurisdiction.

HOLDINGS

1. Upon granting in forma pauperis status, the court must screen the complaint under 28 U.S.C. § 1915(e)(2), including for frivolousness, maliciousness, failure to state a claim, and claims seeking monetary relief from immune defendants.
2. The asserted 'right of redemption' was not a recognized cause of action and therefore did not state a claim for relief.
3. The complaint did not clearly explain how NRS 247.145 was violated, and the asserted state-law claim did not establish federal-question or diversity jurisdiction.

KEY QUOTATIONS

“Federal district courts are courts of limited jurisdiction, possessing only that power authorized by Constitution and statute.” (at 1)

FACTUAL BACKGROUND

Hamilton alleged that the Clark County Recorder Office rejected her trust documents and failed to perform asserted ministerial duties. She invoked a purported right of redemption and NRS 247.145, and made unclear allegations of wrongdoing by Trincon Residential. The court concluded that the right of redemption was not a recognized cause of action and that the alleged statutory violation was unclear and did not establish federal jurisdiction.

PROCEDURAL HISTORY

Tatiana Hamilton submitted an application to proceed in forma pauperis and a complaint concerning the Clark County Recorder Office's rejection of trust documents and alleged wrongdoing by Trincon Residential. The court granted the in forma pauperis application, ordered the Clerk to detach and separately file the complaint, and recommended that the complaint be dismissed with prejudice. The recommendation was submitted to the assigned district judge under 28 U.S.C. § 636(b)(1), subject to objections within fourteen days.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended dismissal with prejudice and advised that objections could be filed with the assigned district judge within fourteen days.

CASES CITED

- Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Nordstrom v. Ryan, 762 F.3d 903, 908 (9th Cir. 2014)
- Wyler Summit P'ship v. Turner Broad. Sys. Inc., 135 F.3d 658, 661 (9th Cir. 1998)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Cato v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995)
- K2 Am. Corp. v. Roland Oil & Gas, LLC, 653 F.3d 1024, 1027 (9th Cir. 2011)
- Martinez v. Ylst, 951 F.2d 1153, 1157 (9th Cir. 1991)

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 * * * 4 Tatiana Hamilton, Case No. 2:25-cv-02504-GMN-BNW 5 Plaintiff, ORDER and REPORT AND 6 v. RECOMMENDATION 7 Trincon Residential, et al., 8 Defendants. 9 10 Pro se plaintiff Tatiana Hamilton brings this lawsuit regarding her inability to file 11 documents with the Clark County Recorder Office. She filed a motion to proceed in forma 12 pauperis and submitted the affidavit required by 28 U.S.C. § 1915(a) showing an inability to 13 prepay fees or costs or give security for them.

ECF No.1. Therefore, her request to proceed in 14 forma pauperis will be granted. This Court now screens her complaint (ECF No. 1-1) as required 15 by 28 U.S.C. § 1915(e)(2). 16 I. ANALYSIS 17 A. Screening standard 18 Upon granting a request to proceed in forma pauperis, a court must screen the complaint 19 under 28 U.S.C. § 1915(e)(2).

In screening the complaint, a court must identify cognizable claims 20 and dismiss claims that are frivolous, malicious, fail to state a claim on which relief may be 21 granted, or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. 22 § 1915(e)(2). Dismissal for failure to state a claim under § 1915(e)(2) incorporates the standard 23 for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6).

Watison v. Carter, 668 24 F.3d 1108, 1112 (9th Cir. 2012). To survive § 1915 review, a complaint must “contain sufficient 25 factual matter, accepted as true, to state a claim to relief that is plausible on its face.” See Ashcroft 26 v. Iqbal, 556 U.S. 662, 678 (2009).

The court liberally construes pro se complaints and may only 27 dismiss them “if it appears beyond doubt that the plaintiff can prove no set of facts in support of 1 his claim which would

entitle him to relief.” Nordstrom v. Ryan, 762 F.3d 903, 908 (9th Cir. 2 2014) (quoting Iqbal, 556 U.S. at 678). 3 In considering whether the complaint is sufficient to state a claim, all allegations of 4 material fact are taken as true and construed in the light most favorable to the plaintiff.

Wyller 5 Summit P’ship v. Turner Broad. Sys. Inc., 135 F.3d 658, 661 (9th Cir. 1998) (citation omitted). 6 Although the standard under Rule 12(b)(6) does not require detailed factual allegations, a plaintiff 7 must provide more than mere labels and conclusions. Bell Atlantic Corp. v. Twombly, 550 U.S. 8 544, 555 (2007). A formulaic recitation of the elements of a cause of action is insufficient.

Id. 9 Unless it is clear the complaint’s deficiencies could not be cured through amendment, a pro se 10 plaintiff should be given leave to amend the complaint with notice regarding the complaint’s 11 deficiencies. Cato v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995). 12 B. Screening the complaint 13 Plaintiff alleges that the Clark County Recorder Office has rejected her trust documents.

14 As a result, she claims the Recorder Office has not fulfilled her ministerial duties as provided in 15 Matthews 5:25 (“Settle matters quickly with your adversary who is taking you to court.”). She 16 also alleges some wrongdoing on the part of Defendant Tricon (although the allegations are 17 unclear).

The asserted claims are “the right of redemption,” and “NRS 247.145.” 18 Even liberally construing the complaint, the court finds Plaintiff cannot not state a claim 19 for which relief can be granted—at least not in federal court.

As to the first claim, “the right of 20 redemption,” is not a recognized cause of action. As to the second claim, NRS 247.145, it is not 21 clear how the statute was violated. In any event, this Court would not have jurisdiction over that 22 claim. “Federal district courts are courts of limited jurisdiction, possessing only that power 23 authorized by Constitution and statute.” K2 Am.

Corp. v. Roland Oil & Gas, LLC, 653 F.3d 24 1024, 1027 (9th Cir. 2011) (quotation omitted). Federal district courts “have original jurisdiction 25 of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. 26 § 1331. Federal district courts have original jurisdiction over civil actions in diversity cases 27 “where the matter in controversy exceeds the sum or value of \$75,000” and where the matter is 1 arises under “the Constitution, laws, or treaties of the United States,” or (2) meets the amount in 2 || controversy requirement for diversity jurisdiction.

3 || IL. CONCLUSION AND RECOMMENDATION 4 IT IS THEREFORE ORDERED that Plaintiffs application to proceed in forma 5 || pauperis (ECF No. 1) is GRANTED. 6 IT IS FURTHER ORDERED that the Clerk of Court must detach and separately file 7 || plaintiffs complaint (ECF No. 1-1). 8 IT IS RECOMMENDED that Plaintiff’s complaint be dismissed with

prejudice. 9 10 NOTICE 11 This report and recommendation is submitted to the United States district judge assigned 12 || to this case under 28 U.S.C. § 636(b)(1).

A party who objects to this report and recommendation 13 || may file a written objection supported by points and authorities within fourteen days of being 14 || served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely 15 || objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d 1153, 16 || 1157 (9th Cir.

1991). 17 18 DATED: December 19, 2025 19 20 LK lincO ban BRENDA WEKSLER □ 21
UNITED STATES MAGISTRATE JUDGE 22 23 24 25 26 27 28