

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

James Crary v. State of Washington

Crary · No. 3:25-cv-06082-DGE · Decided December 22, 2025

SUMMARY

The United States District Court for the Western District of Washington sua sponte reviewed James Crary’s complaint under the in forma pauperis screening statute, 28 U.S.C. § 1915(e)(2)(B). The court concluded that the complaint was frivolous and failed to state a claim, and that amendment would be futile. The complaint was dismissed with prejudice.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	David G. Estudillo
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	December 22, 2025
DOCKET	3:25-cv-06082-DGE
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court conducted sua sponte screening of a pro se complaint filed in forma pauperis under 28 U.S.C. § 1915(e)(2)(B).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), an in forma pauperis complaint is subject to mandatory sua sponte screening and dismissal if it is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The standard for failure to state a claim under § 1915(e)(2)(B)(ii) is the same as the Federal Rule of Civil Procedure 12(b)(6) standard.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	James Crary v. State of Washington

TOPICS

- civil procedure
- pleadings
- motions to dismiss

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint was subject to dismissal during mandatory in forma pauperis screening under 28 U.S.C. § 1915(e)(2)(B)(ii) for frivolousness and failure to state a claim.
2. Whether the plaintiff should be granted leave to amend the complaint.

HOLDINGS

1. The complaint was properly dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii) because it was frivolous and failed to state a claim upon which relief could be granted.
2. Leave to amend was properly denied because amendment would be futile in light of the frivolous nature of the complaint.

KEY QUOTATIONS

“The standard for determining whether [a] Plaintiff has failed to state a claim upon which relief can be granted under § 1915(e)(2)(B)(ii) is the same as the Federal Rule of Civil Procedure 12(b)(6) standard for failure to state a claim.” (Opinion at 2)

“Here, given the frivolous nature of Plaintiff’s complaint, the Court finds amendment would be futile.” (Opinion at 3)

FACTUAL BACKGROUND

James Crary filed a pro se, in forma pauperis complaint against the State of Washington. The complaint did not identify a cognizable cause of action or provide coherent factual or legal allegations supporting a claim, instead presenting allegations involving King County, various public figures, purported violence and misconduct, and alleged physical and mental-health harms. The court also considered the physician declaration attached to the complaint indicating possible mental-health issues.

PROCEDURAL HISTORY

Plaintiff filed a complaint against the State of Washington while proceeding pro se and in forma pauperis. On sua sponte review, the district court determined that the complaint was frivolous and failed to state a claim, concluded that amendment would be futile, and dismissed the complaint with prejudice.

DISPOSITION

dismissed

CASES CITED

- Calhoun v. Stahl, 254 F.3d 845, 845 (9th Cir. 2001)
- Lopez v. Smith, 203 F.3d 1122, 1126–1127 (9th Cir. 2000) (en banc)

- Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Wilhelm v. Rotman, 680 F.3d 1113, 1121 (9th Cir. 2012)
- Lucas v. Department of Corrections, 66 F.3d 245, 248 (9th Cir. 1995)
- Ventress v. Japan Airlines, 603 F.3d 676, 680 (9th Cir. 2010)
- Lipton v. Pathogenesis Corp., 284 F.3d 1027, 1039 (9th Cir. 2002)

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 WESTERN DISTRICT OF
WASHINGTON AT TACOMA 9 10 JAMES CRARY, CASE NO. 3:25-cv-06082-DGE 11
Plaintiff, ORDER DISMISSING 12 v. COMPLAINT 13 STATE OF WASHINGTON, 14
Defendant. 15 16 This matter comes before the Court on sua sponte review pursuant to 28 U.S.C.
§ 17 1915(a). Plaintiff, who is proceeding pro se and in forma pauperis (“IFP”), has submitted a 18
complaint against the State of Washington.

(Dkt. No. 9.) 19 Any complaint filed by a person proceeding IFP pursuant to 28 U.S.C. § 1915(a)
is 20 subject to a mandatory and sua sponte review and dismissal by the Court to the extent it is 21
frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary 22
relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B); Calhoun v. 23
Stahl, 254 F.3d 845, 845 (9th Cir.2001) (“[T]he provisions of 28 U.S.C. § 1915(e)(2)(B) are not 24
1 limited to prisoners.”); Lopez v. Smith, 203 F.3d 1122, 1126–1127 (9th Cir.

2000) (en banc). 2 “The standard for determining whether [a] Plaintiff has failed to state a claim
upon which relief 3 can be granted under § 1915(e)(2)(B)(ii) is the same as the Federal Rule of
Civil Procedure 4 12(b)(6) standard for failure to state a claim.” Watison v. Carter, 668 F.3d 1108,
1112 (9th Cir. 5 2012); see also Wilhelm v. Rotman, 680 F.3d 1113, 1121 (9th Cir.

2012) (noting that screening 6 pursuant to § 1915 “incorporates the familiar standard applied in
the context of failure to state a 7 claim under Federal Rule of Civil Procedure 12(b)(6)”). 8 Absent
from Plaintiff’s complaint is any information or legal authority identifying a 9 cognizable cause of
action.

In the section reserved for Plaintiff to state his claim, Plaintiff 10 includes the following phrase:
“to be declared by the court[.]” (Dkt. No. 9 at 5.) In an 11 attachment to his complaint, Plaintiff
alleges a “high crime of genocide” by King County to 12 “extort paintings through acts of
mayhem purposing to profit war criminals.” (Id. at 8.) Plaintiff 13 alleges he was “mutilated”
based on “Aztec sacrificialism” and that his entire life’s work was 14 “siphoned off by murderers.”
(Id.)

Plaintiff accuses Yoko Ono and the Beatles of “mayhem” to 15 “aggravate higher interest rates”
along with “torture, rape, arson, and deranged surveillance” 16 which led to Plaintiff developing
“Parkinsons, diabetes, deafness, glaucoma, and permanent 17 trauma.” (Id.) Plaintiff has submitted

other documents with similar allegations (Dkt. Nos. 6, 7, 18 10) and attached a declaration from a physician indicating possible mental health issues.

(Dkt. 19 No. 9-1 at 2.) 20 The Court is sensitive to Plaintiff's potential mental health challenges. Nevertheless, 21 Plaintiff's complaint as presented is frivolous and fails to state a claim upon which relief may be 22 granted. "Unless it is absolutely clear that no amendment can cure the defect, [] a pro se litigant 23 is entitled to notice of the complaint's deficiencies and an opportunity to amend prior to 24 1 dismissal of the action." *Lucas v. Dep't of Corr.*, 66 F.3d 245, 248 (9th Cir.

1995). However, 2 leave to amend is properly denied if amendment would be futile. See *Ventress v. Japan Airlines*, 3 603 F.3d 676, 680 (9th Cir. 2010); *Lipton v. Pathogenesis Corp.*, 284 F.3d 1027, 1039 (9th Cir. 4 2002).

Here, given the frivolous nature of Plaintiff's complaint, the Court finds amendment 5 would be futile. 6 Accordingly, the Court DISMISSES Plaintiff's complaint with prejudice under 28 U.S.C. 7 § 1915(e)(2)(B)(ii). 8 9 Dated this 22nd day of December, 2025. 10 A 11 David G. Estudillo 12 United States District Judge 13 14 15 16 17 18 19 20 21 22 23 24