

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.

OPINION

Crary

PER CURIAM.

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UNITED STATES DISTRICT COURT

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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