

**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

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