

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Vincent Boyd v. K. Hamon, et al.

Case No. 2:25-cv-02382-NJK (D. Nev. Dec. 4, 2025) · No. 2:25-cv-02382-NJK · Decided December 4, 2025

SUMMARY

The United States District Court for the District of Nevada granted Vincent Boyd’s application to proceed in forma pauperis. The court screened the complaint under 28 U.S.C. § 1915(e) and dismissed it for failure to identify a cognizable claim or the law or right allegedly violated. Dismissal was without prejudice, and Boyd was granted leave to file an amended complaint by December 18, 2025.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	A. Nancy J. Koppe
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 4, 2025
DOCKET	2:25-cv-02382-NJK
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff sought leave to proceed in forma pauperis and filed a complaint. The court granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915(e), dismissed the complaint for failure to state a claim, and granted leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court screened the in forma pauperis complaint for frivolousness, maliciousness, failure to state a claim, and claims seeking monetary relief from an immune defendant. The court applied the Rule 12(b)(6) plausibility standard, accepting well-pleaded factual allegations as true but disregarding legal conclusions.
PRECEDENTIAL VALUE	unknown

TOPICS

- motions to dismiss
- pleadings
- civil procedure
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff satisfied the requirements to proceed in forma pauperis.
2. Whether the complaint stated a plausible claim for relief under the screening standards of 28 U.S.C. § 1915(e)(2) and Federal Rule of Civil Procedure 12(b)(6).
3. Whether dismissal should be with leave to amend.

HOLDINGS

1. Plaintiff demonstrated an inability to prepay fees and costs or provide security, so the court granted his request to proceed in forma pauperis.
2. The complaint failed to state a claim because it did not identify what claim plaintiff asserted or which law or constitutional right defendants allegedly violated.
3. The complaint was dismissed with leave to amend because the court did not determine that its deficiencies could not be cured by amendment.

KEY QUOTATIONS

“Therefore, Plaintiff fails to state a claim upon which relief can be granted.” (at 2)

“Once a plaintiff files an amended complaint, the original complaint no longer serves any function in the case.” (at 2)

FACTUAL BACKGROUND

Vincent Boyd proceeded pro se and submitted an affidavit stating that he could not prepay filing fees or provide security. His complaint cited *Sherar v. Cullen* and alleged that he had been incarcerated for the thought of having a firearm despite there being no crime. The complaint did not identify the specific claim or constitutional right allegedly violated.

PROCEDURAL HISTORY

Plaintiff filed an affidavit seeking to proceed in forma pauperis and submitted a complaint alleging that he was incarcerated based on the thought of having a firearm. The court found that the affidavit demonstrated inability to prepay fees, granted in forma pauperis status, and ordered the complaint filed. After screening, the court dismissed the complaint with leave to amend by December 18, 2025, warning that failure to amend would result in recommended dismissal.

DISPOSITION

other

CASES CITED

- *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995)
- *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)
- *Chappel v. Lab. Corp. of Am.*, 232 F.3d 719, 723 (9th Cir. 2000)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009)
- *Papasan v. Allain*, 478 U.S. 265, 286 (1986)
- *Hebbe v. Pliler*, 627 F.3d 338, 342 & n.7 (9th Cir. 2010)
- *Sherar v. Cullen*, 481 F.2d 945, 947 (9th Cir. 1973)

OPINION

Boyd

PER CURIAM.

1 2 3

UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

5 6 VINCENT BOYD, Case No. 2:25-cv-02382-NJK 7 Plaintiff, ORDER 8 v. [Docket No. 1] 9 K.
 HAMON, et al., 10 Defendants. 11 Plaintiff is proceeding in this action pro se and has requested
 authority pursuant to 12 28 U.S.C. § 1915 to proceed in forma pauperis.1 13 I. In Forma Pauperis
 Application 14 Plaintiff filed an affidavit required by § 1915(a). Docket No. 1. Plaintiff has shown
 an 15 inability to prepay fees and costs or give security for them. Accordingly, the request to
 proceed 16 in forma pauperis will be granted pursuant to 28 U.S.C. § 1915(a). The Clerk's Office
 is further 17 INSTRUCTED to file the complaint (Docket No. 1-1) on the docket. 18 II. Screening
 the Complaint 19 Upon granting an application to proceed in forma pauperis, courts additionally
 screen the 20 complaint pursuant to § 1915(e). Federal courts are given the authority to dismiss a
 case if the 21 action is legally "frivolous or malicious," fails to state a claim upon which relief
 may be granted, 22 or seeks monetary relief from a defendant who is immune from such relief. 28
 U.S.C. § 1915(e)(2). 23 When a court dismisses a complaint under § 1915, the plaintiff should be
 given leave to amend the 24 complaint with directions as to curing its deficiencies, unless it is
 clear from the face of the 25 complaint that the deficiencies could not be cured by amendment. See
Cato v. United States, 70 26 F.3d 1103, 1106 (9th Cir. 1995). 27 1 The Court liberally construes
 the filings of pro se litigants. *Erickson v. Pardus*, 551 U.S. 28 89, 94 (2007).

1 Rule 12(b)(6) of the Federal Rules of Civil Procedure provides for dismissal of a complaint
 2 for failure to state a claim upon which relief can be granted. Review under Rule 12(b)(6) is 3
 essentially a ruling on a question of law. See *Chappel v. Lab. Corp. of Am.*, 232 F.3d 719, 723 4
 (9th Cir. 2000). A properly pled complaint must provide a short and plain statement of the claim 5
 showing that the pleader is entitled to relief. Fed. R. Civ. P. 8(a)(2); *Bell Atlantic Corp. v. 6*
Twombly, 550 U.S. 544, 555 (2007). Although Rule 8 does not require detailed factual allegations,

7 it demands “more than labels and conclusions” or a “formulaic recitation of the elements of a
cause 8 of action.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Papasan v. Allain*, 478 U.S.
265, 9 286 (1986)). The court must accept as true all well-pled factual allegations contained in the
10 complaint, but the same requirement does not apply to legal conclusions. *Iqbal*, 556 U.S. at
679. 11 Mere recitals of the elements of a cause of action, supported only by conclusory
allegations, do 12 not suffice. *Id.* at 678. Secondly, where the claims in the complaint have not
crossed the line from 13 conceivable to plausible, the complaint should be dismissed. *Twombly*,
550 U.S. at 570. 14 Allegations of a pro se complaint are held to less stringent standards than
formal pleadings drafted 15 by lawyers. *Hebbe v. Pliler*, 627 F.3d 338, 342 & n.7 (9th Cir. 2010)
(finding that liberal 16 construction of pro se pleadings is required after *Twombly* and *Iqbal*). 17
Plaintiff’s complaint asserts a claim pursuant to *Sherar v. Cullen*, 481 F.2d 945 (9th Cir. 18 1973)
as “the law or right violated” for which he seeks relief. See Docket No. 1-1 at 5. Construing 19
Plaintiff’s complaint liberally, Plaintiff cites to *Sherar* for the proposition “that there be no
sanction 20 or penalty imposed upon one because of his exercise of constitutional rights.” *Sherar*
v. Cullen, 21 481 F.2d 945, 947 (9th Cir. 1973). Plaintiff submits that “[t]here was no crime
committed yet [he] 22 was still incarcerated for the thought of having a firearm.” Docket No. 1-1
at 5. However, Plaintiff 23 fails to state what claim he alleges and which law or right he alleges is
violated. *Id.* Therefore, 24 Plaintiff fails to state a claim upon which relief can be granted. 25 III.
Conclusion 26 Accordingly, IT IS ORDERED that: 27 1. Plaintiff’s request to proceed in forma
pauperis (Docket No. 1) is GRANTED. 28 Plaintiff is not required to pay the filing fee. Plaintiff is
permitted to maintain this] action to conclusion without the necessity of prepayment of any
additional fees or costs 2 or the giving of a security therefor. This order granting leave to proceed
in forma 3 pauperis shall not extend to the issuance and/or service of subpoenas at government 4
expense. 5 2. The Clerk’s Office is INSTRUCTED to file Plaintiff’s complaint (Docket No. 1-1) on
6 the docket. 7 3. Plaintiff’s complaint is DISMISSED with leave to amend. Plaintiff will have
until

8 December 18, 2025, to file an amended complaint. Plaintiff is informed that the Court
9 cannot refer to a prior pleading (i.e., the original complaint) in order to make the 10 amended
complaint complete. This is because, as a general rule, an amended complaint 11 supersedes the
original complaint. Local Rule 15-1(a) requires that an amended 12 complaint be complete in itself
without reference to any prior pleading. Once a plaintiff 13 files an amended complaint, the
original complaint no longer serves any function in the 14 case. Therefore, in an amended
complaint, as in an original complaint, each claim and 15 the involvement of each Defendant must
be sufficiently alleged. 16 4. Failure to file an amended complaint by the deadline set above will
result in the 17 recommended dismissal of this case. 18 IT IS SO ORDERED. 19 Dated:
December 4, 2025 a A. Nancy J. Koppe* 21 United States Magistrate Judge 23 24 25 26 27 28

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