

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)

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