

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WASHINGTON

Caryl Danita Carby v. Central Intelligence Agency, et al.

Carby · No. 2:26-CV-0026-TOR · Decided April 24, 2026

SUMMARY

The U.S. District Court for the Eastern District of Washington dismissed Caryl Danita Carby’s pro se complaint against the Central Intelligence Agency and other defendants. The court held that the complaint failed to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii), found amendment would be futile, dismissed the action with prejudice, and directed that the case be closed.

CASE DETAILS

COURT	United States District Court for the Eastern District of Washington
JURISDICTION	U.S. District Court for the Eastern District of Washington
DECIDED	April 24, 2026
DOCKET	2:26-CV-0026-TOR
DISPOSITION	dismissed
PROCEDURAL POSTURE	The pro se plaintiff filed a complaint seeking damages and a permanent injunction. After the court denied her application to proceed in forma pauperis with leave to renew or pay the filing fee, she did neither. The district court dismissed the complaint with prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii) and closed the case.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B)(ii), the court applied the same standard used under Federal Rule of Civil Procedure 12(b)(6): accepting material factual allegations as true and construing them in the plaintiff's favor, while disregarding mere legal conclusions and determining whether the complaint states a plausible claim for relief.
PRECEDENTIAL VALUE	Unknown
PARTIES	Caryl Danita Carby v. Central Intelligence Agency, et al.

TOPICS

- motions to dismiss
- pleadings
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint stated a claim upon which relief could be granted under 28 U.S.C. § 1915(e)(2)(B)(ii) and the Rule 12(b)(6) standard.
2. Whether plaintiff should be granted leave to amend her complaint.
3. Whether the action should be dismissed with prejudice after plaintiff failed to renew her in forma pauperis application or pay the filing fee.

HOLDINGS

1. The complaint failed to state a claim because it lacked sufficient facts supporting a cognizable legal theory against any defendant; dismissal was therefore required under 28 U.S.C. § 1915(e)(2)(B)(ii).
2. Leave to amend was not warranted because it was absolutely clear that amendment would be futile.
3. The complaint was dismissed with prejudice, and the clerk was directed to enter the order and judgment and close the file.

KEY QUOTATIONS

“A complaint fails to state a claim upon which relief may be granted if it lacks a cognizable legal theory or lacks sufficient facts to support a cognizable legal theory.” (1)

“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.” (1)

“Dismissal is proper only if it is clear that the plaintiff cannot prove any set of facts in support of the claim that would entitle [her] to relief.” (1)

“It must plead “enough facts to state a claim to relief that is plausible on its face.”” (1)

“The Court finds that it is absolutely clear that no amendment will cure the deficiencies in Plaintiff’s Complaint.” (2)

FACTUAL BACKGROUND

Plaintiff, proceeding pro se, alleged that the defendants illegally surveilled her, defamed her and her family, interfered with immigration matters, caused identity theft, and were responsible for murders and attempted murders of family members. She sought \$50 million in damages and a permanent injunction. The court found the handwritten complaint largely unintelligible and lacking sufficient facts to support a cognizable legal theory against any defendant.

PROCEDURAL HISTORY

Plaintiff filed the action on January 16, 2026. The court previously denied her application to proceed in forma pauperis and gave her 30 days to renew the application or pay the full filing fee; she did not comply. The court

independently determined that the complaint failed to state a claim and that amendment would be futile, so it dismissed with prejudice and directed entry of judgment and closure of the file.

DISPOSITION

dismissed

CASES CITED

- *Balistreri v. Pacifica Police Department*, 901 F.2d 696, 699 (9th Cir. 1990)
- *Watson v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010)
- *Noll v. Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1987)
- *Aktar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 2012)

OPINION

1 FILED IN THE U.S. DISTRICT COURT EASTERN DISTRICT OF WASHINGTON 2 Apr 24,
2026 3 SEAN F. MCAVOY, CLERK 4 5 6 7 UNITED STATES DISTRICT COURT EASTERN
DISTRICT OF WASHINGTON 8 9 CARYL DANITA CARBY, NO. 2:26-CV-0026-TOR 10
Plaintiff, ORDER DISMISSING COMPLAINT 11 v. 12 CENTRAL INTELLIGENCE AGENCY,
et al, 13 Defendants. 14 15 BEFORE THE COURT is Plaintiff's Complaint.

ECF No. 1. The Court has 16 reviewed the record and files herein and is fully informed. For the
reasons 17 discussed below, all claims asserted by Plaintiff are DISMISSED with prejudice. 18
BACKGROUND 19 Plaintiff, proceeding pro se, currently has thirteen actions pending before 20
1 this Court that have all been filed since January 2026.1 The complaints, which are 2 handwritten
and largely unintelligible, are against an assortment of individuals and 3 entities including Barrack
Hussein Obama, the Central Intelligence Agency, 4 Donald Trump, George Walker Bush, the
Nigerian Government, and the City of 5 Spokane, to name a few.

6 Plaintiff filed this action on January 16, 2026 against the named Defendants. 7 Plaintiff seeks
\$50,000,000.00 in damages and a permanent injunction. The 8 Complaint appears to allege that
Defendants have been illegally surveilling 9 Plaintiff, have publicly slandered and defamed
Plaintiff and her family which has 10 resulted in stolen identities, immigration interference, and
the murders and 11 attempted murders of Plaintiff's family members.

12 Plaintiff previously filed an application to proceed in forma pauperis which 13 was denied with
leave to renew or pay the full filing fee within 30 days. ECF No. 14 4. Plaintiff did not submit a
renewed application or pay the full filing fee within 15 the allotted time.

For this reason and the reasons discussed below, the Court 16 dismisses Plaintiff's Complaint. 17 1
See Case Numbers 26cv26-TOR, 26cv42-TOR, 26cv54-TOR, 26cv55-TOR, 18 26cv119-TOR,
26cv121-TOR, 26cv122-TOR, 26cv142-TOR, 26cv143-TOR, 19 20 26cv159-TOR, 26cv160-
TOR, 26cv162-TOR, 26cv166-TOR. 1 DISCUSSION 2 Pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii),
"[n]otwithstanding any filing fee, 3 or any portion thereof, that may have been paid, the court shall
dismiss the case at 4 any time if the court determines that the action or appeal fails to state a claim
upon 5 which relief may be granted." 6 A complaint fails to state a claim upon which relief may be
granted if it 7 lacks a cognizable legal theory or lacks sufficient facts to support a cognizable 8
legal theory.

Balistreri v. Pacifica Police Dept., 901 F.2d 696, 699 (9th Cir.1990). 9 Plaintiff's Complaint lacks
sufficient facts to support a cognizable legal theory 10 against any of the Defendants. 11 "The
standard for determining whether a plaintiff has failed to state a claim 12 upon which relief can be
granted under § 1915(e)(2)(B)(ii) is the same as the 13 Federal Rule of Civil Procedure 12(b)(6)
standard for failure to state a claim." 14 Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir.

2012). Accordingly, "[d]ismissal 15 is proper only if it is clear that the plaintiff cannot prove any
set of facts in support 16 of the claim that would entitle [her] to relief." Id. "In making this
determination, 17 the Court takes as true all allegations of material fact stated in the complaint and
18 construes them in the light most favorable to the plaintiff." Id. Mere legal 19 conclusions,
however, "are not entitled to the assumption of truth." Ashcroft v. 20 Iqbal, 556 U.S. 662, 679
(2009).

The complaint must contain more than "a 1 formulaic recitation of the elements of a cause of
action." Bell Atl. Corp. v. 2 Twombly, 550 U.S. 544, 555 (2007). It must plead "enough facts to
state a claim to 3 relief that is plausible on its face." Id. at 570.

The Court construes a pro se 4 plaintiff's pleadings liberally, affording the plaintiff the benefit of
any doubt. 5 Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010) (quotations and citation 6 omitted).
7 The Court finds that Plaintiff has failed to state facts which "plausibly give 8 rise to an
entitlement to relief." Iqbal, 556 U.S. at 679. 9 OPPORTUNITY TO AMEND 10 Unless it is
absolutely clear that amendment would be futile, a pro se litigant 11 must be given the opportunity
to amend her complaint to correct any deficiencies.

12 Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987), superseded by statute, 28 13 U.S.C. §
1915(e)(2), as recognized in Aktar v. Mesa, 698 F.3d 1202, 1212 (9th Cir. 14 2012). The Court
finds that it is absolutely clear that no amendment will cure the 15 deficiencies in Plaintiff's
Complaint.

Therefore, the Court dismisses Plaintiff's 16 Complaint with prejudice. 17 // 18 // 19 // 20 //
ACCORDINGLY, IT IS HEREBY ORDERED: 2 Plaintiff's Complaint (ECF No. 1) is

DISMISSED with prejudice. 3 The District Court Executive is directed to enter this Order and Judgment accordingly, forward copies to Plaintiff, and CLOSE the file. 5 DATED April 24, 2026. <> United States District Judge 8 9 10 11 12 13 14 15 16 17 18 19 20

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