

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

OPINION

Carby

PER CURIAM.

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 *Watson 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. 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. 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

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-eastern-district-of-was/2026/caryl-danita-carby-v-central-intelligence-agency-et-al-yquw76g0>