

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

HARVEY WILLIAM HUGUNIN

Plaintiff,

v.

STATE OF IDAHO; RODEWAY INN;  
CHOICE HOTELS; GLACIER BANCORP  
INC.; MOUNTAIN WEST BANK, DIVISION  
OF GLACIER BANK,

Defendants.

Case No. 1:19-CV-480-BLW

**MEMORANDUM DECISION  
AND ORDER**

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**INTRODUCTION**

The Court has before it plaintiff's application to proceed without payment of fees. For the reasons explained below, the Court will deny the application and dismiss this case.

**ANALYSIS**

The Court is required to screen complaints brought by litigants who seek in forma pauperis status. *See* 28 U.S.C. § 1915(e)(2). Plaintiff's Complaint, or a portion thereof, will be dismissed if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief can be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(B)(i-iii). To state a claim upon which relief can

be granted, plaintiff's Complaint must include facts sufficient to show a plausible claim for relief. *See Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009). During this initial review, courts generally construe pro se pleadings liberally, giving pro se plaintiffs the benefit of any doubt. *See Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000).

Additionally, if amending the complaint would remedy the deficiencies, plaintiffs should be notified and provided an opportunity to amend. *See Jackson v. Carey*, 353 F.3d 750, 758 (9th Cir. 2003).

In this case, plaintiff complains that he was overcharged by the Rodeway Inn and that \$350 disappeared from his bank account at Mountain West Bank. He alleges that Rodeway Inn stole his money and that Mountain West Bank and Glacier Bank failed to investigate the theft. He also alleges that the Idaho Supreme Court Justices failed to investigate his claims, and so he has included the State of Idaho as a defendant for failing to investigate his theft charge.

Plaintiff claims jurisdiction based on federal jurisdiction but cites criminal statutes that are not applicable here. He does cite 42 U.S.C. § 1983 in his claim against the State of Idaho but that claim is frivolous because it alleges that the court failed to investigate his claim of theft. If the case is instead based on diversity it fails to satisfy the amount-in-controversy requirement. Because there is no conceivable basis for federal jurisdiction, the lawsuit is frivolous and no purpose would be served by allowing amendment of the complaint. The Court will therefore order the matter be dismissed.

## ORDER

In accordance with the Memorandum Decision set forth above,

NOW THEREFORE IT IS HEREBY ORDERED, that that this action be  
DISMISSED WITH PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B)(i-iii), without  
leave to amend.

IT IS FURTHER ORDERED, that the Petition to Proceed in Forma Pauperis  
(docket no. 1) is DENIED.

IT IS FURTHER ORDERED, that the Clerk close this case.



DATED: March 3, 2020

A handwritten signature in black ink, reading "B. Lynn Winmill". The signature is written in a cursive style with a large, stylized "B" and "W".

B. Lynn Winmill  
U.S. District Court Judge