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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

NATHANIEL DWAYNE CAETANO,  
Plaintiff,  
v.  
KINGS COUNTY SHERIFF, et al.,  
Defendants.

Case No. 1:22-cv-00222-JLT-BAM

FINDINGS AND RECOMMENDATIONS  
RECOMMENDING:

- (1) DISMISSAL OF ACTION AS FRIVOLOUS (Doc. 1.);
- (2) DENIAL OF APPLICATION TO PROCEED IN FORMA PAUPERIS (Doc. 2);
- (3) DENIAL OF MISCELLANEOUS MOTIONS (Docs. 3, 4.)

**FOURTEEN-DAY DEADLINE**

Plaintiff Nathaniel Dwayne Caetano (“Plaintiff”), a state prisoner proceeding pro se, filed this purported “Case in Admiralty” on February 22, 2022. (Doc. 1.) Concurrent with his complaint, Plaintiff filed an application to proceed in forma pauperis. (Doc. 2.) Plaintiff also filed a motion for emergency injunctive relief and for attachment of payment bond(s), (Doc. 3), and a motion for an award of costs and attorney’s fees, for “Appointing Indigent Plaintiff Ward Funds for 40 Hours or Private Investigator Services” and for “Appointing Indigent Plaintiff Ward Funds for 40 Hours of Paralegal Services,” (Doc. 4).

For the reasons that follow, the Court recommends dismissal of this action as frivolous and for failure to state a plausibly cognizable claim. The Court also recommends denial of

1 Plaintiff's application to proceed in forma pauperis, (Doc. 2), and denial of Plaintiff's numerous  
2 other motions, (Docs. 3 and 4), as moot.

3 **I. Screening Requirement and Standard**

4 The Court is required to screen complaints brought by prisoners seeking relief against a  
5 governmental entity and/or against an officer or employee of a governmental entity. 28 U.S.C.  
6 § 1915A(a). Plaintiff's complaint, or any portion thereof, is subject to dismissal if it is frivolous  
7 or malicious, if it fails to state a claim upon which relief may be granted, or if it seeks monetary  
8 relief from a defendant who is immune from such relief. 28 U.S.C. §§ 1915A(b);  
9 1915(e)(2)(B)(ii).

10 A complaint must contain "a short and plain statement of the claim showing that the  
11 pleader is entitled to relief . . ." Fed. R. Civ. P. 8(a)(2). Detailed factual allegations are not  
12 required, but "[t]hreadbare recitals of the elements of a cause of action, supported by mere  
13 conclusory statements, do not suffice." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell*  
14 *Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). While a plaintiff's allegations are taken as  
15 true, courts "are not required to indulge unwarranted inferences." *Doe I v. Wal-Mart Stores, Inc.*,  
16 572 F.3d 677, 681 (9th Cir. 2009) (internal quotation marks and citation omitted).

17 To survive screening, Plaintiff's claims must be facially plausible, which requires  
18 sufficient factual detail to allow the Court to reasonably infer that each named defendant is liable  
19 for the misconduct alleged. *Iqbal*, 556 U.S. at 678 (quotation marks omitted); *Moss v. U.S. Secret*  
20 *Serv.*, 572 F.3d 962, 969 (9th Cir. 2009). The sheer possibility that a defendant acted unlawfully  
21 is not sufficient, and mere consistency with liability falls short of satisfying the plausibility  
22 standard. *Iqbal*, 556 U.S. at 678 (quotation marks omitted); *Moss*, 572 F.3d at 969.

23 **II. Plaintiff's Allegations**

24 Plaintiff is currently housed at the California Substance Abuse Treatment Facility  
25 ("CSATF") in Corcoran, California. He brings this action for allegedly unpaid pilot and seaman  
26 wages against multiple defendants, including a "Payment Bond," the Kings County Sheriff, Kings  
27 County Superior Court and Nocona Soboleski—Executive Officer/Clerk of the Court, and  
28 Eastern District of California (Fresno) and Keith Holland—Executive Officer/Clerk of the Court.

1 (Doc. 1 at 22.)

2 Plaintiff avers that he is “Private Man, Private Citizen, Sovereign . . . Secured Party  
3 Creditor of NATHANIEL DWAYNE CAETANO.” (Doc. 1 at 7.) He also avers that his physical  
4 body is “a transportation watercraft, and by law . . . a vessel.” (*Id.*) His complaint includes  
5 nearly incomprehensible allegations concerning penal bid bonds, performance bonds, and  
6 payment bonds, all of which stem from his November 18, 2009, arrest by the Kings County  
7 Sheriff on charges of cultivating marijuana, arson and first-degree murder and his subsequent  
8 Kings County Superior Court criminal judgment in 09CM3557.

9 As best as the Court can determine, Plaintiff claims that a penal bid bond was generated at  
10 the time of his arrest. Plaintiff further claims that the Kings County Superior Court did not  
11 disclose the penal bid bond and created/ordered a judgment. The Kings County Superior Court  
12 then sold the bond and judgment to the U.S. District Court (Eastern District of California,  
13 Fresno), and the district court in turn sold the bond/judgment to one of its contractors, who in turn  
14 resold it to the highest bidder, a bond investor, generating a performance bond and a payment  
15 bond. (*Id.* at 9-10.)

16 Plaintiff essentially is suing for “unpaid wages (Stevedore), labor, material and pilotage.”  
17 (*Id.* at 8.) Plaintiff asserts that he charges “\$4,500.00 USD as a Pilot, Seaman, Materialman and  
18 laborer as and for this vessel.” (*Id.* at 10.) In an affidavit, Plaintiff alleges he has worked  
19 “piloting this vessel, laboring 24 hours a day in prison, performing for Contract 09CM3557,  
20 everyday; for 4,444 days straight without a previous day off, vacation, sick leave, etc.” (*Id.* at  
21 14.) For the period through 1/20/2022, he calculates damages and unpaid wages as totaling  
22 \$19,998.000.00 (4,444 x \$4,500.00). (*Id.*)

### 23 **III. Discussion**

24 A complaint is frivolous within the meaning of 28 U.S.C. § 1915 “where it lacks an  
25 arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). “The court  
26 may ... dismiss a claim as frivolous where it is based on an indisputably meritless legal theory or  
27 where the factual contentions are clearly baseless.” *Howell v. Johnson, et al.*, No. 2:21-cv-00997-  
28 CKD, 2021 WL 3602139, at \*1 (E.D. Cal. 2021) (citing *Neitzke*, 490 U.S. at 327). “The critical

1 inquiry is whether a ... claim, however inartfully pleaded, has an arguable legal and factual basis.”

2 *Id.* (citations omitted).

3 Plaintiff’s complaint is based on indisputably meritless legal theories. Examples of claims  
4 based on an indisputably meritless legal theory include claims of infringement of a legal interest  
5 which clearly does not exist. *Neitzke*, 490 U.S. at 327. Plaintiff purports to bring this suit as an  
6 admiralty action, but there is no connection between Plaintiff and admiralty or maritime activity.  
7 Plaintiff also purports to bring this action to secure penal bid bonds, payment bonds and  
8 performance bonds arising from his arrest and conviction that he claims have been sold by the  
9 state and federal court. These theories are based on legal interests that clearly do not exist.

10 Further, to the extent Plaintiff’s allegations are based on a sovereign citizen ideology,  
11 “[c]ourts across the country ‘have uniformly rejected arguments’ based on the sovereign citizen  
12 ideology as frivolous, irrational, or unintelligible. *United States v. Staten*, No. 1:10-cr-179, 2012  
13 WL 2389871, at \*3 (M.D. Pa. June 25, 2012) (collecting cases). The Ninth Circuit has rejected  
14 arguments premised on the ideology as ‘utterly meritless.’ See *United States v. Studley*, 783 F.2d  
15 934, 937 n.3 (9th Cir. 1986).” *Mackey v. Bureau of Prisons*, 2016 WL 3254037, at \*1 (E.D. Cal.  
16 June 14, 2016); *Peyton v. Cates*, No. 1:21-cv-00740-DAD-EPG (PC), 2021 WL 4206432, at \*2 n.  
17 2 (E.D. Cal. Sept. 16, 2021), report and recommendation adopted, No. 1:21-cv 00740-DAD-EPG  
18 (PC), 2021 WL 5015685 (E.D. Cal. Oct. 28, 2021).

19 Plaintiff’s factual allegations also are baseless. Clearly baseless factual allegations  
20 include those “that are ‘fanciful,’ ‘fantastic,’ and ‘delusional.’” *Denton v. Hernandez*, 504 U.S.  
21 25, 32–33 (1992) (quoting *Neitzke*, 490 U.S. at 325, 327, 328). Accordingly, “a finding of factual  
22 frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly  
23 incredible, whether or not there are judicially noticeable facts available to contradict them.” *Id.* at  
24 33. Plaintiff’s allegation that he is a transportation watercraft is fanciful and delusional.  
25 Similarly, Plaintiff’s allegations concerning the generation and sale of a penal bid bond/judgment  
26 and creation of performance and payment bonds rise to the level of the irrational or wholly  
27 incredible.

28 ///

1 The Court therefore concludes that Plaintiff’s complaint is frivolous, lacking an arguable  
2 basis either in law or in fact, and does not state a plausible claim. Because the complaint is  
3 frivolous, the Court finds that Plaintiff should not be granted leave to amend. *See Lopez v. Smith*,  
4 203 F.3d 1122, 1127 n. 8 (9th Cir. 2000) (“When a case may be classified as frivolous or  
5 malicious, there is, by definition, no merit to the underlying action and so no reason to grant leave  
6 to amend.”). The Court also finds that Plaintiff’s application to proceed in forma pauperis should  
7 be denied. *See Howze v. Tanaka*, 585 Fed.App’x. 379, 379–80 (9th Cir. 2014) (finding that  
8 district court did not abuse its discretion in denying plaintiff leave to proceed IFP because his  
9 claims were either frivolous or lacked merit); *Lacey v. California*, No. 21-CV-0107-BAS-DEB,  
10 2021 WL 254200, at \*2 (S.D. Cal. Jan. 26, 2021) (denying plaintiff leave to proceed IFP where  
11 complaint allegations factually frivolous and did not state a plausible claim).

12 **IV. CONCLUSION AND RECOMMENDATION**

13 Based on the foregoing, IT IS HEREBY RECOMMENDED as follows:

- 14 1. Plaintiff’s complaint (Doc. 1) be dismissed with prejudice as frivolous or for failing to  
15 plausibly state a claim;  
16 2. Plaintiff’s application to proceed in forma pauperis (Doc. 2) be denied; and  
17 3. Plaintiff’s additional motions (Docs. 3 and 4) be denied as moot.

18 These Findings and Recommendations will be submitted to the United States District  
19 Judge assigned to the case, as required by 28 U.S.C. § 636(b)(1). Within **fourteen (14) days** after  
20 being served with these findings and recommendations, Plaintiff may file written objections with  
21 the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and  
22 Recommendations.” Plaintiff is advised that the failure to file objections within the specified  
23 time may result in the waiver of the “right to challenge the magistrate’s factual findings” on  
24 appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923  
25 F.2d 1391, 1394 (9th Cir. 1991)).  
26 IT IS SO ORDERED.

27 Dated: March 1, 2022

28 /s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE