

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

**Yu Hin Chan v. Karen May Bacdayan, Kevin C. McClanahan,
Carmen A. Pacheco, Dawn Hill-Kearse, Wavny Toussaint, Re/Max**

Chan · No. 2:25-cv-02083-RAJ · Decided December 4, 2025

SUMMARY

The United States District Court for the Western District of Washington dismisses Yu Hin Chan’s pro se, in forma pauperis complaint under 28 U.S.C. § 1915(e)(2)(B). The court finds that the complaint lacks specific factual allegations supporting claims for due process violations, conspiracy, or RICO liability. Dismissal is without prejudice and with leave to amend within 21 days.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Richard A. Jones
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	December 4, 2025
DOCKET	2:25-cv-02083-RAJ
DISPOSITION	dismissed
PROCEDURAL POSTURE	On sua sponte review under 28 U.S.C. § 1915(e)(2)(B), the court screened a pro se plaintiff’s complaint filed in forma pauperis and dismissed it without prejudice, granting leave to amend.
STANDARD OF REVIEW	The court reviewed the complaint sua sponte under the screening standard in 28 U.S.C. § 1915(e)(2)(B), accepting factual allegations as true and applying the Rule 8 plausibility standard.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter or neutral citation.

TOPICS

- pleadings
- motions to dismiss
- civil procedure
- civil rights

PRACTICE AREAS

- civil procedure
- civil rights
- RICO

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim for relief under the screening standard of 28 U.S.C. § 1915(e)(2)(B).
2. Whether the plaintiff should be granted leave to amend after dismissal of the deficient complaint.

HOLDINGS

1. The complaint failed to state a plausible claim because it contained no factually specific allegations explaining the alleged due-process deprivation, conspiracy, roles of the defendants, or factual basis for a RICO claim.
2. The complaint was dismissed without prejudice and with leave to amend within 21 days because the deficiencies were potentially curable by amendment.

KEY QUOTATIONS

“To state a claim upon which relief may be granted, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” (at 1)

“The complaint lacks any factually specific allegation regarding the events giving rise to Plaintiff’s claim.” (at 2)

FACTUAL BACKGROUND

The plaintiff alleged that Re/Max was the current owner of the apartment where he lived, that all defendants conspired together to deprive him of due process, and that the court had jurisdiction under the RICO Act. The complaint did not explain the alleged due-process deprivation, the nature of the conspiracy, the role of each defendant, or facts supporting a RICO claim. The plaintiff sought \$1 billion in damages.

PROCEDURAL HISTORY

Yu Hin Chan filed a one-page complaint against six defendants, proceeding pro se and in forma pauperis. The district court conducted sua sponte screening under 28 U.S.C. § 1915(e)(2)(B), determined that the complaint failed to state a plausible claim, and dismissed it without prejudice with leave to amend within 21 days.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Cato v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995)

OPINION

HONORABLE RICHARD A. JONES 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9
WESTERN DISTRICT OF WASHINGTON AT SEATTLE 10 YU HIN CHAN, Case No. 2:25-cv-
02083-RAJ 11 Plaintiff, ORDER 12 v. 13 KAREN MAY BACDAYAN, 14 KEVIN C.
MCCLANAHAN, CARMEN A. PACHECO, DAWN 15 HILL-KEARSE, WAVNY TOUSSAINT,
RE/MAX, 16 Defendants. 17 18 I. INTRODUCTION 19 THIS MATTER comes before the Court
on sua sponte review of Plaintiff Yu Hin 20 Chan's complaint, Dkt. # 4, pursuant to 28 U.S.C. §
1915(e)(2)(B).

The Court has 21 reviewed the complaint and the balance of the record. For the reasons set forth
below, 22 the complaint is DISMISSED. 23 II. BACKGROUND 24 Plaintiff is proceeding pro se
and in forma pauperis. The complaint is a single 25 page and contains only the following
allegations: 26 1 1.

The current owner of the apartment where Plaintiff resides is Re/Max, as 2 the former owner
claimed in his sworn affidavit, 3 2. All defendants conspired together and deprived Plaintiff of due
process, 4 3. This Court has jurisdiction under the RICO Act. 5 Dkt. # 4.

In addition, the complaint includes a prayer for relief for \$1 billion against all 6 defendants. Id. 7
III. LEGAL STANDARD 8 When a litigant is proceeding in forma pauperis, the Court may review
the 9 complaint and dismiss it if it is "frivolous, or malicious; fails to state a claim upon which 10
relief may be granted; or seeks monetary relief against a defendant immune from such 11 relief."
28 U.S.C. § 1915(e)(2)(B).

To state a claim upon which relief may be granted, 12 "a complaint must contain sufficient factual
matter, accepted as true, to 'state a claim to 13 relief that is plausible on its face.'" Ashcroft v.
Iqbal, 556 U.S. 662, 678 (2009) (quoting 14 Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570
(2007)). A claim is facially plausible when 15 the factual allegations permit "the court to draw the
reasonable inference that the 16 defendant is liable for the misconduct alleged." Id. 17 Courts hold
pro se plaintiffs to less stringent pleading standards and liberally 18 construe a pro se complaint in
the light most favorable to the plaintiff.

Erickson v. 19 Pardus, 551 U.S. 89, 94 (2007). When dismissing a complaint under § 1915(e),
courts 20 give pro se plaintiffs leave to amend unless "it is absolutely clear that the deficiencies of
21 the complaint could not be cured by amendment." Cato v. United States, 70 F.3d 1103, 22 1106
(9th Cir. 1995). 23 IV. DISCUSSION 24 The complaint lacks any factually specific allegation
regarding the events giving 25 rise to Plaintiff's claim.

For example, it does not explain how defendants deprived 26 1 Plaintiff of due process, how
defendants "conspired" together, and what role each 2 defendant played in the alleged conspiracy.
The complaint also contains no factual 3 allegations supporting the existence of a RICO claim.

Accordingly, it fails to state a 4 plausible claim for relief and must be dismissed. 5 Dismissal is with leave to amend to cure the deficiencies in the complaint. Any 6 amended complaint should clearly explain the factual basis for a RICO claim and what 7 role each defendant played in the alleged wrong. Failure to plead sufficient facts to state 8 a claim for relief will result in final dismissal of this action under 28 U.S.C. § 9 1915(e)(2)(B).

10 V. CONCLUSION 11 For the foregoing reasons, the Court DISMISSES the complaint, Dkt. # 4, 12 WITHOUT PREJUDICE and WITH LEAVE TO AMEND within 21 days of the date 13 of this order. 14 15 Dated this 4th day of December, 2025. 16 17 A 18 19 The Honorable Richard A. Jones United States District Judge 20 21 22 23 24 25 26