

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Christina Marie Evers v. Yolinda Johnson

Evers · No. 2:25-cv-2093 TLN AC PS · Decided July 30, 2025

SUMMARY

The United States Magistrate Judge grants the pro se plaintiff’s motion to proceed in forma pauperis. The document recommends denying the motion for a temporary restraining order and dismissing the complaint because the parties are both alleged to be California citizens and the complaint presents no federal question. It further recommends denying leave to amend as futile and advises the plaintiff of the 21-day period for filing objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 30, 2025
DOCKET	2:25-cv-2093 TLN AC PS
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff filed a complaint, a motion to proceed in forma pauperis, and a motion for a temporary restraining order. The magistrate judge granted in forma pauperis status and issued findings and recommendations recommending denial of the temporary restraining order and dismissal of the complaint for lack of federal jurisdiction.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915(e)(2), including whether the complaint is frivolous, fails to state a claim, or seeks relief from an immune defendant; the court accepts well-pleaded factual allegations as true, construes them liberally in favor of a pro se plaintiff, and disregards conclusory allegations, unreasonable inferences, and unwarranted factual deductions.
PRECEDENTIAL VALUE	Nonprecedential magistrate judge findings and recommendations; not a final district court judgment in the source.

PARTIES

Christina Marie Evers v. Yolinda Johnson

TOPICS

subject matter jurisdiction

injunctions

pleadings

civil procedure

PRACTICE AREAS

civil procedure

federal jurisdiction

injunctive relief

QUESTIONS PRESENTED

1. Whether the complaint established federal-question jurisdiction under 28 U.S.C. § 1331.
2. Whether the complaint established diversity jurisdiction under 28 U.S.C. § 1332(a).
3. Whether the motion for a temporary restraining order could be considered in the absence of federal subject matter jurisdiction.
4. Whether leave to amend should be granted.

HOLDINGS

1. The complaint did not establish federal-question jurisdiction because it alleged no claim arising under federal law or the United States Constitution and identified no federal statute conferring jurisdiction.
2. The complaint did not establish diversity jurisdiction because both plaintiff and defendant were alleged to be citizens of Sacramento, California.
3. Because the court lacked federal subject matter jurisdiction, the motion for a temporary restraining order should be denied.
4. Leave to amend should be denied because amendment would be futile in light of the jurisdictional defects identified in the complaint.

KEY QUOTATIONS

“Federal courts are courts of limited jurisdiction.” (1)

“To state a claim on which relief may be granted, the plaintiff must allege enough facts ‘to state a claim to relief that is plausible on its face.’” (1)

FACTUAL BACKGROUND

Plaintiff, a Sacramento, California resident, sued her neighbor, Yolinda Johnson, alleging only that Johnson gets drunk nightly and makes threats. Plaintiff requested a protective order for herself and her husband's medical service dog, and attached California and federal court cover sheets without identifying a federal question or other basis for federal jurisdiction.

PROCEDURAL HISTORY

Plaintiff commenced the action against her neighbor and requested in forma pauperis status and a temporary restraining order. The matter was referred to the magistrate judge for pretrial proceedings under Eastern District of California Local Rule 302(c)(21). The magistrate judge granted the in forma pauperis motion and recommended dismissal without leave to amend; the recommendation was subject to objections and review by the assigned district judge.

DISPOSITION

other

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 325 (1989)
- Neitzke v. Williams, 490 U.S. 319, 327 (1989)
- Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Western Mining Council v. Watt, 643 F.2d 618, 624 (9th Cir. 1981)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987)
- Lopez v. Smith, 203 F.3d 1122 (9th Cir. 2000) (en banc)
- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Home Depot U. S. A., Inc. v. Jackson, 587 U.S. 435, 438 (2019)
- Baker v. Carr, 369 U.S. 186, 198 (1962)
- California Architectural Bldg. Prod. v. Franciscan Ceramics, 818 F.2d 1466, 1472 (9th Cir. 1987)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. YIst, 951 F.2d 1153, 1156-57 (9th Cir. 1991)