

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Blue Fire Cloud Abreu v. The Great State of California

Abreu · No. 2:24-cv-03358 SCR P · Decided July 3, 2025

SUMMARY

A United States magistrate judge recommends dismissal of a pro se prisoner’s 42 U.S.C. § 1983 complaint against the State of California. The document concludes that the complaint fails to comply with Federal Rule of Civil Procedure 8, the State is immune from suit under § 1983 and the Eleventh Amendment, and the court lacks authority to grant a pardon. It recommends denying in forma pauperis status, dismissing the complaint without leave to amend, and denying the plaintiff’s other motions.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan, United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 3, 2025
DOCKET	2:24-cv-03358 SCR P
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a pro se state-prisoner civil-rights complaint under 28 U.S.C. § 1915A, together with consideration of an in forma pauperis application, a pardon request, and a motion to consolidate cases.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss a prisoner complaint that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. In evaluating failure to state a claim, the court accepts factual allegations as true and construes the complaint liberally, but conclusory allegations and formulaic recitations of elements are insufficient.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Blue Fire Cloud Abreu v. The Great State of California

TOPICS

- prisoners rights
- section 1983
- motions to dismiss
- eleventh amendment immunity
- civil procedure

PRACTICE AREAS

civil rights

prisoner litigation

federal civil procedure

constitutional immunity

QUESTIONS PRESENTED

1. Whether the complaint stated a cognizable claim for relief under 42 U.S.C. § 1983.
2. Whether the complaint complied with Federal Rule of Civil Procedure 8(a)(2).
3. Whether the State of California is a suable person under § 1983 and is immune from suit under the Eleventh Amendment.
4. Whether the court had authority to grant plaintiff's request for a full pardon.
5. Whether the defects in the complaint could be cured by amendment.

HOLDINGS

1. The complaint failed to state a cognizable claim because it did not identify any specific cause of action or the constitutional or federal statutory rights allegedly violated, leaving the court unable to determine what claims plaintiff intended to assert.
2. The State of California is not a person subject to suit under § 1983 and is entitled to Eleventh Amendment immunity from plaintiff's claims for relief.
3. The court lacked authority to grant plaintiff's request for a full pardon because pardon and clemency proceedings are executive-branch functions.
4. Dismissal without leave to amend was appropriate because the State of California's immunity from suit could not be cured by amendment.

KEY QUOTATIONS

"A district court may deny leave to proceed in forma pauperis at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit." (at 1)

"Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements do not suffice." (at 2)

"A district court should not dismiss a pro se complaint without leave to amend unless it is absolutely clear that the deficiencies of the complaint could not be cured by amendment." (at 4)

FACTUAL BACKGROUND

Plaintiff, a state prisoner, alleged that as a child he was sent to Mulhouse Boys Ranch in Nevada City, California, where he was subjected to grooming, abuse, and exploitation connected to a trafficking and pimping operation. He alleged that he was later returned to juvenile hall and confined at a state hospital in an effort to conceal what happened. The complaint sought relief against the State of California under § 1983, including a full pardon, a public apology, and \$100 million in damages, but did not identify a specific cause of action or constitutional or federal statutory right allegedly violated.

PROCEDURAL HISTORY

Plaintiff filed a complaint under 42 U.S.C. § 1983 against the State of California and moved to proceed in forma pauperis. The magistrate judge screened the complaint, concluded that it failed to state a cognizable claim and sought relief from an immune defendant, and issued an order and findings and recommendations recommending dismissal without leave to amend. The magistrate judge also recommended denial of the in forma pauperis application, the pardon request, and the motion to consolidate; the recommendations were to be submitted to a district judge under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- *Tripathi v. First National Bank & Trust*, 821 F.2d 1368, 1370 (9th Cir. 1987)
- *Neitzke v. Williams*, 490 U.S. 319, 325, 327 (1989)
- *Jackson v. Arizona*, 885 F.2d 639, 640 (9th Cir. 1989)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-557, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Erickson v. Pardus*, 551 U.S. 89, 93-94 (2007)
- *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974)
- *Cornel v. Hawaii*, 37 F.4th 527, 531 (9th Cir. 2022)
- *Krainski v. Nevada ex rel. Board of Regents of the Nevada System of Higher Education*, 616 F.3d 963, 967 (9th Cir. 2010)
- *Iseli v. CA*, No. 2:22-cv-2173 DJC AC P, 2025 WL 1557303, at *1 (E.D. Cal. June 2, 2025)
- *Ohio Adult Parole Authority v. Woodard*, 523 U.S. 272, 284 (1998)
- *Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 2012)
- *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991)