

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Chikodi Chima v. State of California, et al.

Chima · No. 25-cv-10294-TSH · Decided December 2, 2025

OPINION

Chima

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 CHIKODI CHIMA, Case No. 25-cv-10294-TSH 8 Plaintiff,

ORDER GRANTING PLAINTIFF’S

9 v.

APPLICATION TO PROCEED IN

10 STATE OF CALIFORNIA, et al., FORMA PAUPERIS AND SCREENING

COMPLAINT PURSUANT TO 28 U.S.C. 11 Defendants. § 1915(E) 12 13

14 I. INTRODUCTION

15 Plaintiff Chikodi Chima initiated this lawsuit by filing a complaint (ECF No. 1) and 16
application to proceed in forma pauperis (ECF No. 2). For the reasons stated below, the Court 17
GRANTS the application but finds the complaint deficient under 28 U.S.C. § 1915(e). No later 18
than January 2, 2026, Plaintiff must file a first amended complaint curing the deficiencies 19
identified in this screening order. The Court advises Plaintiff that failure to cure these deficiencies
20 could lead to dismissal of this case.

21 II. BACKGROUND

22 Plaintiff brings this case against the State of California “through its agencies, including the 23
Judicial Council of California, the Superior Court of California, County of San Francisco, and
Doe

24 Agencies 1-10”; the City and County of San Francisco “through its departments, including the
San

25 Francisco Sheriff’s Office, the San Francisco City Attorney’s Office, and Doe Agencies 11-20”;
26 and Callahan, Thompson, Sherman & Caudill, which he describes as a California law
corporation. 27 Compl. ¶¶ 6-8, ECF No. 1. He alleges “a pattern of retaliatory harassment,
interference with 1 activity of filing a federal civil rights lawsuit in the Northern District of
California.” Id. ¶ 1. 2 Specifically, Plaintiff alleges he brought another case in this District, which
was dismissed on

3 November 5, 2025. Id. ¶ 11. Following dismissal, he alleges “Defendants” took adverse actions
4 against him “because he had engaged in the protected activity of petitioning the federal courts
for 5 relief.” Id. ¶ 12. Plaintiff brings one claim under 42 U.S.C. § 1983 for “First Amendment 6
Retaliation & Denial of Access to Courts.” Id. ¶¶ 15-20.

7 III. IN FORMA PAUPERIS APPLICATION

8 A district court may authorize the start of a civil action in forma pauperis if the court is 9
satisfied the would-be plaintiff cannot pay the filing fees required to pursue the lawsuit. See 10 28
U.S.C. § 1915(a)(1). Plaintiff submitted the required documentation demonstrating an inability 11
to pay the costs of this action, and it is evident from the application that the listed assets and 12
income are insufficient to enable payment of the fees. Accordingly, the Court GRANTS the 13
application to proceed in forma pauperis.

14 IV. SUA SPONTE SCREENING UNDER 28 U.S.C. § 1915(e)(2)

15 A. Legal Standard 16 A court must dismiss an in forma pauperis complaint before service of
process if it “(i) is 17 frivolous or malicious; (ii) fails to state a claim on which relief may be
granted; or (iii) seeks 18 monetary relief against a defendant who is immune from such relief.” 28
U.S.C. § 1915(e)(2)(i)- 19 (iii). “The standard for determining whether a plaintiff has failed to
state a claim upon which 20 relief can be granted under § 1915(e)(2)(B)(ii) is the same as the
Federal Rule of Civil Procedure 21 12(b)(6) standard for failure to state a claim.” *Watson v.*
Carter, 668 F.3d 1108, 1112 (9th Cir. 22 2012) (citation omitted). As such, the complaint must
allege facts that plausibly establish each 23 defendant’s liability. See *Bell Atl. Corp. v. Twombly*,
550 U.S. 544, 555-57 (2007). “A claim has 24 facial plausibility when the plaintiff pleads factual
content that allows the court to draw the 25 reasonable inference that the defendant is liable for
the misconduct alleged.” *Ashcroft v. Iqbal*, 26 556 U.S. 662, 678 (2009). In making this
determination, the Court must “take as true all 27 allegations of material fact stated in the
complaint and construe them in the light most favorable to 1 se plaintiff’s pleadings liberally and
afford the petitioner the benefit of any doubt.” Id. (cleaned 2 up). However, the Court “may not
supply essential elements of the claim that were not initially 3 pled.” *Pena v. Gardner*, 976 F.2d
469, 471 (9th Cir. 1992). 4 A complaint must also comply with Federal Rule of Civil Procedure 8,
which requires the 5 complaint to contain “a short and plain statement of the claim showing that
the pleader is entitled 6 to relief.” Fed. R. Civ. P. 8(a)(2). The failure to comply with Rule 8 is a
basis for dismissal that is 7 not dependent on whether the complaint is without merit. *McHenry v.*
Renne, 84 F.3d 1172, 1179 8 (9th Cir. 1996). Accordingly, even claims which are not on their face
subject to dismissal under

9 Rule 12(b)(6) may still be dismissed for violating Rule 8(a). Id.

10 B. Application

11 Rule 8

12 In his complaint, Plaintiff refers to “Defendants” without explaining why each named 13
defendant is liable for his claims. Rule 8(a)(2) of the Federal Rules of Civil Procedure requires 14

that the complaint set forth a “short and plain statement of the claim showing the pleader is 15 entitled to relief.” Rule 8(d)(1) requires that each allegation in a pleading be “simple, concise, and 16 direct.” See *McHenry v. Renne*, 84 F.3d 1172, 1177, 1179 (9th Cir. 1996) (affirming dismissal of 17 complaint that was “argumentative, prolix, replete with redundancy, and largely irrelevant”). The 18 failure to comply with Rule 8 is a basis for dismissal that is not dependent on whether the 19 complaint is without merit. *Id.* Accordingly, even claims which are not on their face subject to 20 dismissal under Rule 12(b)(6) may still be dismissed for violating Rule 8(a). *Id.* 21 Plaintiff states in general terms that “Defendants” are liable for his claims, but he does not 22 set forth a short and plain statement showing how each defendant is liable. Blanket allegations 23 that all defendants assisted the others to perform all alleged violations are not sufficiently specific 24 to place the defendants on notice of the allegations against them. A plaintiff must “give the 25 defendant fair notice of what the claim is and the grounds upon which it rests.” *Erickson v. 26 Pardus*, 551 U.S. 89, 93 (2007) (cleaned up). As currently plead, a putative defendant would not 27 know where to begin in responding. Thus, to comply with Rule 8’s pleading requirement, 1 defendant(s) violated; (2) for each law or right, state the specific factual allegations that connect 2 each defendant with the alleged wrongdoing, including the dates, the names of people involved, and 3 what those people did to you; (3) how you were harmed; and (4) what relief you seek.

4 42 U.S.C. § 1983

5 42 U.S.C. § 1983, which “provides a cause of action for the ‘deprivation of any rights, 6 privileges, or immunities secured by the Constitution and laws’ of the United States.” *Wilder v. 7 Virginia Hosp. Ass’n*, 496 U.S. 498, 508 (1990) (quoting 42 U.S.C. § 1983). “Section 1983 is not 8 itself a source of substantive rights, but merely provides a method for vindicating federal rights 9 elsewhere conferred.” *Albright v. Oliver*, 510 U.S. 266, 271, (1994) (internal quotation marks 10 omitted). To state a claim under § 1983, a plaintiff must allege two essential elements: (1) that a 11 person violated a right secured by the Constitution or laws of the United States and (2) that said 12 person acted under the color of state law when they committed the alleged violation. See *West v. 13 Atkins*, 487 U.S. 42, 48 (1988); *Naffe v. Frey*, 789 F.3d 1030, 1035–36 (9th Cir. 2015). “Dismissal 14 of a § 1983 claim following a Rule 12(b)(6) motion is proper if the complaint is devoid of factual 15 allegations that give rise to a plausible inference of either element.” *Id.* at 1036. 16 Here, as discussed above, Plaintiff has not set forth facts showing how each defendant is 17 liable under § 1983. In addition, it is not clear he can bring such a claim against at least some of 18 the named defendants. 19 a. California Defendants 20 The Eleventh Amendment provides: “The Judicial power of the United States shall not be 21 construed to extend to any suit in law or equity, commenced or prosecuted against one of the 22 United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.” U.S. 23 Const. amend XI. Under the Eleventh Amendment, “a state is immune from suit under state or 24 federal law by private parties in federal court absent a valid abrogation of that immunity or an 25 express waiver by the state.” In *re Mitchell*, 209 F.3d 1111, 1115–16 (9th Cir. 2000). The 26 amendment bars suits by citizens

against a state, see *Hans v. Louisiana*, 134 U.S. 1, 15 (1890), by 27 citizens against state agencies, see *Florida Dep’t of State v. Treasure Salvors, Inc.*, 458 U.S. 670, 1 interest.” *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 101 (1984). The Eleventh 2 Amendment applies to bar claims under § 1983 against the State of California. See *Dittman v. 3 State of California*, 191 F.3d 1020, 1025-26 (9th Cir. 1999), cert. denied, 530 U.S. 1261 (2000) 4 (“The State of California has not waived its Eleventh Amendment immunity with respect to claims 5 brought under § 1983 in federal court” and “§ 1983 was not intended to abrogate a State’s 6 Eleventh Amendment immunity.”) (internal citations omitted). 7 Thus, if Plaintiff seeks to bring claims against the State of California “through its agencies, 8 including the Judicial Council of California, the Superior Court of California, County of San 9 Francisco, and Doe Agencies 1-10,” he must establish the authority under which this Court has 10 jurisdiction to hear such claims. 11 b. Private Actors 12 “[M]ost rights secured by the Constitution are protected only against infringement by 13 governments,” so “the conduct allegedly causing the deprivation of a federal right [must] be fairly 14 attributable to the State.” *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 936–37 (1982) (internal 15 quotation marks omitted). Thus, a plaintiff seeking to challenge a private party’s conduct under § 16 1983 must show that “the conduct allegedly causing the deprivation of a federal right [is] fairly 17 attributable to the State,” meaning that the private party’s conduct is “state action.” *Naoko Ohno 18 v. Yuko Yasuma*, 723 F.3d 984, 993 (9th Cir. 2013) (quoting *Lugar*, 457 U.S. at 936-37). If the 19 conduct “is not so attributable, then there is no ‘state action’ and no violation.” *Ohno*, 723 F.3d at 20 993. Purely private conduct, no matter how wrongful, is not covered under § 1983. See *Ouzts v. 21 Maryland Nat’l Ins. Co.*, 505 F.2d 547, 550 (9th Cir. 1974), cert. denied, 421 U.S. 949 (1975). 22 For such private conduct the wrongdoer faces potential liability in state courts, but a federal action 23 would not lie under § 1983. *Id.* As such, if Plaintiff seeks to bring a § 1983 claim against private 24 actors, he must plausibly allege their conduct is “state action.”

25 V. CONCLUSION

26 For the reasons above, the Court GRANTS the application to proceed in forma pauperis 27 but finds the complaint fails to state a claim pursuant to 28 U.S.C. § 1915(e). However, given the 1 be cured by amendment, the Court shall grant Plaintiff the opportunity to file an amended 2 complaint. Accordingly, the Court ORDERS Plaintiff to file an amended complaint by January 2, 3 2026. 4 A. Requirements for Amended Complaint 5 Because an amended complaint replaces the previous complaint, it may not incorporate 6 claims or allegations in the original complaint by reference. See *Ferdik v. Bonzelet*, 963 F.2d 7 1258, 1262 (9th Cir. 1992). Instead, any amendment must include all of the facts and claims to be 8 presented and all of the defendants that are to be sued. In addition, any amended complaint must 9 include the following sections: 10 Caption Page On the first page, list the names of the defendant(s), the case number 11 used in this order (25-cv-10294-TSH), the title (“FIRST AMENDED COMPLAINT”), and write “Demand for Jury Trial” if you want your 12 case to be heard by a jury. 13 Form of Pleadings The factual allegations and claims must be written in numbered 14 paragraphs, each limited as far as practicable to a single

set of circumstances. 15 Subject Matter Jurisdiction 16 The first numbered paragraph in your complaint (labeled “Jurisdiction”) should explain why this Court has the power to decide 17 this kind of case. A federal court can hear a case based on a federal question jurisdiction (a violation of federal law under 28 U.S.C. § 1331) or diversity jurisdiction (when all plaintiffs and all defendants are citizens of different states disputing more than \$75,000) under 28 U.S.C. § 1332. 20 Parties In separate paragraphs for each party, identify the plaintiff(s) and 21 defendant(s) in the case. 22 Statement of Facts Explain the important facts in numbered paragraphs, describing how 23 the defendant(s) violated the law and how you have been injured. 24 Claims Include a separate heading for each legal claim (Claim 1, Claim 2, 25 etc.), identifying the specific law that you think the defendant(s) violated and explaining in numbered paragraphs what each defendant 26 did to violate each law. 27 1 B. Assistance for Self-Represented Litigants 2 The Court encourages Plaintiff to seek assistance from the Federal Pro Bono Project, a free 3 service offered by the Justice & Diversity Center of the Bar Association of San Francisco. You 4 || may request an appointment by emailing fedpro@sfbar.org or calling 415-782-8982. At the 5 Federal Pro Bono Project, you will be able to speak with an attorney who may be able to provide 6 || basic legal help but not representation. More information is available at 7 || <https://www.cand.uscourts.gov/pro-se-litigants/>. 8 Plaintiff may also wish to obtain a copy of this District’s Handbook for Litigants Without a 9 || Lawyer, which provides instructions on how to proceed at every stage of your case. The 10 || handbook is available in person at the Clerk’s Office and online at: 11 <https://www.cand.uscourts.gov/pro-se-litigants/>. 12 IT IS SO ORDERED. 14 Dated: December 2, 2025

THOMAS S. HIXSON

= 16 United States Magistrate Judge 19 20 21 22 23 24 25 26 27 28