

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Goodwin v. Social Security Administration, et al.

Goodwin v. Social Security Administration, Case No. 1:25-cv-00430-SAB (E.D. Cal. May 22, 2025) · No. 1:25-cv-00430-SAB · Decided May 22, 2025

SUMMARY

The United States District Court for the Eastern District of California screened a pro se, in forma pauperis complaint asserting claims against the Social Security Administration, the California Department of Insurance, and State Farm Insurance Company. The court held that the complaint failed to comply with Federal Rule of Civil Procedure 8 and did not state cognizable claims under the ADA, 42 U.S.C. § 1983, the Social Security Act, California insurance regulations, or negligence. The court granted Plaintiff 30 days to file a first amended complaint and warned that failure to do so could result in dismissal without leave to amend.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court, Eastern District of California
DECIDED	May 22, 2025
DOCKET	1:25-cv-00430-SAB
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff proceeding in forma pauperis filed a civil action alleging ADA, 42 U.S.C. § 1983, Social Security Act, California insurance-regulation, and negligence claims. The magistrate judge screened the complaint under 28 U.S.C. § 1915(e)(2) and ordered plaintiff to file an amended complaint.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court screens an in forma pauperis complaint and must dismiss it if it is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. For failure to state a claim, the court applies the pleading standard of Federal Rule of Civil Procedure 8(a), accepts factual allegations as true, liberally construes a pro se pleading, and disregards legal conclusions.

PRECEDENTIAL VALUE	unpublished district court order; limited persuasive value
PARTIES	Duchun Goodwin v. Social Security Administration, California Department of Insurance, State Farm Insurance Company

TOPICS

civil procedure pleadings ada / disability section 1983 insurance

PRACTICE AREAS

civil procedure civil rights disability discrimination social security insurance

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed or require amendment under 28 U.S.C. § 1915(e)(2) and Federal Rule of Civil Procedure 8.
2. Whether the complaint adequately pleaded a Title II or Title III ADA claim.
3. Whether the complaint adequately pleaded a claim under 42 U.S.C. § 1983 against the named defendants.
4. Whether the complaint stated a cognizable private claim under the Social Security Act.
5. Whether the complaint stated a claim under the California Fair Claims Settlement Practices Regulations or for negligence.
6. Whether plaintiff should be granted leave to amend.

HOLDINGS

1. The court must screen an in forma pauperis complaint and dismiss it if it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from an immune defendant.
2. A complaint must provide a short and plain statement giving each defendant fair notice of the claims and grounds for liability; a pleading that combines multiple claims without identifying the facts, defendants, and legal elements associated with each claim fails Rule 8.
3. The complaint failed to state a Title II or Title III ADA claim because it did not adequately allege the required elements or identify the defendants and conduct supporting liability.
4. The complaint failed to state a § 1983 claim because the Social Security Administration is a federal agency rather than a state actor, and the complaint did not plausibly allege that State Farm or the California Department of Insurance was a person acting under color of state law.
5. As pleaded, the complaint did not state a cognizable claim under the Social Security Act because the court was unaware of a private right of action authorizing the relief sought.
6. The California Fair Claims Settlement Practices Regulations do not create a private right of action, so plaintiff failed to state a cognizable claim based solely on alleged violations of those regulations.

7. The complaint failed to state a negligence claim because it did not allege that any defendant owed plaintiff a duty, breached that duty, or proximately caused an injury.
8. Plaintiff was entitled to one opportunity to amend the complaint to cure the identified pleading deficiencies, subject to the requirements stated in the order.

KEY QUOTATIONS

“one party pleads multiple claims and does not identify which specific facts are allocated to which claim.” (3)

“purely private conduct, no matter how wrongful, is not within the protective orbit of section 1983.” (5)

“Plaintiff’s complaint fails to state a cognizable claim for relief.” (7)

FACTUAL BACKGROUND

Plaintiff alleged that he has ADHD, previously received Social Security benefits, and was approved for benefits in January 2025 but had not received an award letter or payment. He alleged that the Social Security Administration imposed a payee requirement and delayed benefits, while the California Department of Insurance allegedly failed to resolve his complaints. He also alleged that State Farm discontinued living benefits after his home was destroyed in a hate crime and denied or mishandled coverage. The complaint asserted ADA, § 1983, Social Security Act, California insurance-regulation, and negligence claims, but did not connect specific facts to particular defendants or claims.

PROCEDURAL HISTORY

Plaintiff filed the complaint against the Social Security Administration, the California Department of Insurance, and State Farm Insurance Company. On screening, the court found that the complaint failed to comply with Federal Rule of Civil Procedure 8 and failed to state cognizable federal or state-law claims. The court granted one opportunity to amend within thirty days and warned that failure to do so would result in a recommendation that the action be dismissed without leave to amend.

DISPOSITION

other

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1129-30 (9th Cir. 2000)
- Calhoun v. Stahl, 254 F.3d 845 (9th Cir. 2001)
- Cato v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995)
- Barren v. Harrington, 152 F.3d 1193 (9th Cir. 1998)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Swierkiewicz v. Sorema N.A., 534 U.S. 506, 512 (2002)

- Moss v. U.S. Secret Service, 572 F.3d 962, 969 (9th Cir. 2009)
- Valerio v. Boise Cascade Corp., 80 F.R.D. 626, 635 n.1 (N.D. Cal. 1978)
- United States v. Raygoza-Garcia, 902 F.3d 994, 1001 (9th Cir. 2018)
- Hughey v. Camacho, No. 2:13-CV-2665-TLN-AC, 2014 WL 5473184, at *4 (E.D. Cal. Oct. 23, 2014)
- McHenry v. Renne, 84 F.3d 1172, 1179 (9th Cir. 1996)
- Weinreich v. L.A. County Metro. Transp. Auth., 114 F.3d 976, 978 (9th Cir. 1997)
- McGary v. City of Portland, 386 F.3d 1259, 1265 (9th Cir. 2004)
- Thompson v. Davis, 295 F.3d 890, 895 (9th Cir. 2002)
- Miranda B. v. Kitzhaber, 328 F.3d 1181, 1187-88 (9th Cir. 2003)
- Fortune v. American Multi-Cinema, Inc., 364 F.3d 1075, 1082 (9th Cir. 2004)
- Nurre v. Whitehead, 580 F.3d 1087, 1092 (9th Cir. 2009)
- Long v. County of Los Angeles, 442 F.3d 1178, 1185 (9th Cir. 2006)
- Jones v. Williams, 297 F.3d 930, 934 (9th Cir. 2002)
- Ouzts v. Maryland Nat. Ins. Co., 505 F.2d 547, 550 (9th Cir. 1974)
- Van Ort v. Estate of Stanewich, 92 F.3d 831 (9th Cir. 1996)
- Goodwin v. State Farm Gen. Ins. Co., No. 1:24-CV-00795-JLT-SAB, 2024 WL 3889915, at *6 (E.D. Cal. Aug. 21, 2024)
- Height St. Skilled Care, LLC v. Liberty Mut. Ins. Co., No. 1:21-cv-01247-JLT-BAK (BAM), 2022 WL 1665220, at *5 (E.D. Cal. May 25, 2022)
- Aerojet Rocketdyne, Inc. v. Glob. Aerospace, Inc., No. 2:17-CV-01515-KJM-AC, 2020 WL 3893395, at *6 (E.D. Cal. July 10, 2020)
- Rattan v. United Servs. Auto. Ass'n, 84 Cal. App. 4th 715, 724 (2000)
- Brown v. USA Taekwondo, 11 Cal. 5th 204, 213, 483 P.3d 159 (2021)
- Nally v. Grace Community Church, 47 Cal. 3d 278, 292, 763 P.2d 948 (1988)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Lacey v. Maricopa Cnty., 693 F.3d 896, 927 (9th Cir. 2012)

OPINION

Goodwin v. Social Security Administration

PER CURIAM.

1 2 3 4 5 6 7 8

UNITED STATES DISTRICT COURT

9

EASTERN DISTRICT OF CALIFORNIA

10 11 DUCHUN GOODWIN, Case No. 1:25-cv-00430-SAB 12 Plaintiff, ORDER SCREENING
COMPLAINT 13 v. (ECF No. 1)

14 SOCIAL SECURITY ADMINISTRATION, et THIRTY-DAY DEADLINE

al., 15 Defendants. 16 17 18 Duchun Goodwin (“Plaintiff”), proceeding pro se and in forma

pauperis, filed this action, 19 and the complaint is currently before the Court for screening. 20 I.

21 SCREENING REQUIREMENT

22 Notwithstanding any filing fee, the court shall dismiss a case if at any time the Court 23 determines that the complaint “(i) is frivolous or malicious; (ii) fails to state a claim on which 24 relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from 25 such relief.” 28 U.S.C. § 1915(e)(2); see *Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000) 26 (section 1915(e) applies to all in forma pauperis complaints, not just those filed by prisoners); 27 *Calhoun v. Stahl*, 254 F.3d 845 (9th Cir. 2001) (dismissal required of in forma pauperis proceedings which seek monetary relief from immune defendants); *Cato v. United States*, 70 1 F.3d 1103, 1106 (9th Cir. 1995) (district court has discretion to dismiss in forma pauperis 2 complaint under 28 U.S.C. § 1915(e)); *Barren v. Harrington*, 152 F.3d 1193 (9th Cir. 1998) 3 (affirming sua sponte dismissal for failure to state a claim). The Court exercises its discretion to 4 screen the plaintiff’s complaint in this action to determine if it “(i) is frivolous or malicious; (ii) 5 fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a 6 defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2). 7 In determining whether a complaint fails to state a claim, the Court uses the same 8 pleading standard used under Federal Rule of Civil Procedure 8(a). A complaint must contain “a 9 short and plain statement of the claim showing that the pleader is entitled to relief . . .” Fed. R. 10 Civ. P. 8(a)(2). Detailed factual allegations are not required, but “[t]hreadbare recitals of the 11 elements of a cause of action, supported by mere conclusory statements, do not suffice.” 12 *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 13 544, 555 (2007)). 14 In reviewing the pro se complaint, the Court is to liberally construe the pleadings and 15 accept as true all factual allegations contained in the complaint. *Erickson v. Pardus*, 551 U.S. 89, 16 94 (2007). Although a court must accept as true all factual allegations contained in a complaint, 17 a court need not accept a plaintiff’s legal conclusions as true. *Iqbal*, 556 U.S. at 678. “[A] 18 complaint [that] pleads facts that are ‘merely consistent with’ a defendant’s liability . . . ‘stops 19 short of the line between possibility and plausibility of entitlement to relief.’ ” *Id.* (quoting 20 *Twombly*, 550 U.S. at 557). Therefore, the complaint must contain sufficient factual content for 21 the court to draw the reasonable conclusion that the defendant is liable for the misconduct 22 alleged. *Iqbal*, 556 U.S. at 678. Leave to amend may be granted to the extent that the 23 deficiencies of the complaint can be cured by amendment. *Cato*, 70 F.3d 1106. 24 II.

25 COMPLAINT ALLEGATIONS

26 The Court accepts Plaintiff’s allegations in the complaint as true only for the purpose of 27 the sua sponte screening requirement under 28 U.S.C. § 1915. 1 Plaintiff is Duchun (Deshawn)1 Goodwin, a resident of California. (ECF No. 1, p. 1.) 2 Defendants are the Social Security Administration, California Department of Insurance, and 3 State Farm Insurance Company. (*Id.*) For jurisdiction, Plaintiff relies on federal question 4 jurisdiction. (*Id.* at p. 2.) Plaintiff then alleges the following factual allegations: 5 Plaintiff was diagnosed with ADHD at age 14 and previously

received Social Security 6 benefits until they were terminated. (Id.) In 1995, Plaintiff was wrongfully denied benefits and 7 “has faced systemic discrimination in every attempt to requalify.” (Id.) On January 15, 2025, 8 Plaintiff was approved for benefits, “yet has never received a formal award letter or retroactive 9 payment.” (Id.) “SSA falsely claimed Plaintiff contacted them in July 2024 and declared a 10 disability onset then, contradicting their medical history and earlier disability status.” (Id.) 11 Plaintiff made at least five attempts to contact the SSA, including visiting the SSA office 12 on “March 7, and has still received no disbursement of benefits.” (Id.) “SSA falsely imposed a 13 payee requirement without proof or medical justification, violating Plaintiff’s autonomy and 14 federal disability rights.” (Id.) 15 Because of the SSA and California Department of Insurance’s delays and misconduct, 16 Plaintiff has lived in a shelter and been denied house, treatment, and financial support. (Id.) 17 “State Farm Insurance ceased living benefits after Plaintiff’s home was destroyed in a hate crime 18 in 2020. Plaintiff was denied coverage, misled, and left without housing support due to bad 19 faith, misrepresentation, and failure to comply with California’s insurance regulations.” (Id.) 20 “The Department of Insurance failed to address or resolve complaints filed by Plaintiff since 202, 21 despite repeated follow-ups and mounting documentation.” (Id.) 22 “Plaintiff was injured while in care at a state-sanctioned recovery program due to unsafe 23 conditions and remains without adequate medical treatment.” (Id. at p.3.) 24 Plaintiff then lists the following causes of action: violation of Title II of the ADA; 25 violation of 42 U.S.C. § 1983; violation of the Social Security Act; violation of California Fair 26 Claims Settlement Practices Regulations; Negligence. (Id.) Plaintiff prays for declaratory relief, 27 1 injunctive relief, damages (including damages for emotional distress), and punitive damages. 2 (Id.) 3 III.

4 DISCUSSION

5 A. Federal Rule of Civil Procedure 8 6 Pursuant to Rule 8(a), a complaint must contain “a short and plain statement of the claim 7 showing that the pleader is entitled to relief[.]” Fed. R. Civ. P. 8(a)(2). “Such a statement must 8 simply give the defendant fair notice of what the plaintiff’s claim is and the grounds upon which 9 it rests.” *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 512 (2002) (citations and quotations 10 omitted). Detailed factual allegations are not required, but “[t]hreadbare recitals of the elements 11 of a cause of action, supported by mere conclusory statements, do not suffice.” *Iqbal*, 556 U.S. 12 at 678 (citation omitted). This is because, while factual allegations are accepted as true, legal 13 conclusions are not. *Id.*; see also *Twombly*, 550 U.S. at 556-57; *Moss v. U.S. Secret Serv.*, 572 14 F.3d 962, 969 (9th Cir. 2009). Therefore, Plaintiff must set forth “sufficient factual matter, 15 accepted as true, to ‘state a claim to relief that is plausible on its face.’ ” *Iqbal*, 556 U.S. at 678 16 (quoting *Twombly*, 550 U.S. at 570). “A claim has facial plausibility when the plaintiff pleads 17 factual content that allows the court to draw the reasonable inference that the defendant is liable 18 for the misconduct alleged.” *Iqbal*, 556 U.S. at 678 (citing *Twombly*, 550 U.S. at 556). 19 The Court notes Plaintiff has filed at least six other civil actions against the same 20 defendants in the past two years.² In recommending dismissal of the

following cases, courts 21 provided Plaintiff the requisite pleading standard under Rule 8. See *Goodwin v. State Farm 22 Gen. Ins. Co.*, Case No. 1:23-cv-00165-ADA-HBK (initial complaint filed February 2, 2023, 23 against State Farm, Philip Call, Poonam Kalsi, and Laura Selby for violations of sections 102 24 and 103 of the Civil Rights Act of 1991; dismissed as deficient and facially frivolous); *Goodwin 25 v. State Farm Gen. Ins. Co.*, No. 1:23-CV-00232-SAB (initial complaint filed on February 15, 26 2023, against State Farm and its agents for violations of sections 102 and 103 of the Civil Rights 27 2 The court may take judicial notice of court records. *Valerio v. Boise Cascade Corp.*, 80 F.R.D. 626, 635 n.1 (N.D. Cal. 1978)); see also *United States v. Raygoza-Garcia*, 902 F.3d 994, 1001 (9th Cir. 2018) (“A court may take 1 Act of 1991; dismissed for failure to state a claim); *Goodwin v. The California Dep’t of Ins.*, 2 Case No. 1:23-cv-00259-JLT-HBK (initial complaint filed on February 21, 2023, against the 3 California Department of Insurance and its agents, including Liza Pedrosa for violations of 4 sections 102 and 103 of the Civil Rights Act of 1991; dismissed because the amended complaint 5 was devoid of any parties or facts that would permit the Court to find that is has jurisdiction, 6 failed to comply with Rule 8, and failed to establish an arguable basis in law or fact and was 7 therefore facially frivolous); *Goodwin v. The California Dep’t of Ins.*, Case No. 23-cv-00346- 8 JLT-HBK (filed on March 8, 2023, against the CDI for violations of sections 102 and 103 of the 9 Civil Rights Act of 1991; dismissed for failure to prosecute); *Goodwin v. State Farm Gen. Ins. 10 Co.*, Case No. 24-cv-00795-JLT-SAB (initial complaint filed on July 9, 2024, against State Farm 11 and its agents, including Poonam Kalsi, Laura Selby, and Phillip Call, for violations of sections 12 102 and 103 of the Civil Rights Act of 1991; 41 U.S.C. § 6503; 48 C.F.R. 52.233-4; California 13 Insurance Code Section 790.03(h); 10 C.C.R. §§ 2695.7 and 2695.9; dismissed for failure to state 14 a claim that invokes this Court’s jurisdiction, failure to prosecute, and failure to comply with a 15 Court order). 16 Despite being well aware of the federal pleading standards, Plaintiff’s instant complaint 17 does not comply with Rule 8. While it is short, it does not clearly state what happened. Instead, 18 Plaintiff’s complaint is an impermissible “shotgun” pleading. See *Hughey v. Camacho*, No. 19 2:13-CV-2665-TLN-AC, 2014 WL 5473184, at *4 (E.D. Cal. Oct. 23, 2014) (noting a shotgun 20 pleading occurs when “one party pleads multiple claims and does not identify which specific 21 facts are allocated to which claim.”) Plaintiff’s lists five causes of action but does not state 22 which of his allegations relate to which claims, how the facts relate to the elements of the legal 23 claims raised, nor which Defendant is implicated in each claim. 24 Courts may dismiss a complaint for failure to comply with Rule 8 even when the 25 complaint is not “wholly without merit.” *McHenry v. Renne*, 84 F.3d 1172, 1179 (9th Cir. 26 1996). “Rule 8(e), requiring each averment of a pleading to be ‘simple, concise, and direct,’ 27 applies to good claims as well as bad, and is a basis for dismissal independent of Rule 12(b)(6).” 1 sufficient facts showing the plaintiff is entitled to relief and that each defendant’s involvement 2 must be sufficiently alleged. The Court shall grant Plaintiff one opportunity to file an amended 3 complaint that complies with Rule 8. If he chooses to amend his complaint to include numerous 4 claims and defendants,

Plaintiff must separate each cause of action; state which Defendant he 5 believes is liable for that cause of action; and identify concise factual allegations that support 6 both the legal standard for the cause of action and show that the particular Defendant committed 7 the violation asserted. 8 B. Plaintiff's Claims 9 As stated, Plaintiff's complaint falls far short of complying with the well-pleaded 10 complaint rule. However, should Plaintiff choose to amend his complaint, the Court provides the 11 following relevant legal standards.

12 1. ADA

13 Plaintiff broadly alleges a violation of the Americans with Disabilities Act for 14 "[s]ystemic discrimination, denial of access, and imposition of unjustified fiduciary restrictions 15 by SSA" against unspecified defendants. (ECF No. 1, p. 3.) 16 Title II of the ADA, 42 U.S.C. § 12132 prohibits a public entity from discriminating 17 against a qualified individual with a disability on the basis of disability. *Weinreich v. L.A. 18 County Metro. Transp. Auth.*, 114 F.3d 976, 978 (9th Cir. 1997). To state a claim of disability 19 discrimination under Title II, a plaintiff must allege that: 20 (1) he "is an individual with a disability;" (2) he "is otherwise qualified to participate in or receive the benefit of some public 21 entity's services, programs, or activities;" (3) he "was either excluded from participation in or denied the benefits of the public 22 entity's services, programs, or activities, or was otherwise discriminated against by the public entity;" and (4) "such 23 exclusion, denial of benefits, or discrimination was by reason of [his] disability." 24 25 *McGary v. City of Portland*, 386 F.3d 1259, 1265 (9th Cir. 2004) (quoting *Thompson v. Davis*, 26 295 F.3d 890, 895 (9th Cir. 2002)). A plaintiff may only assert a Title II claim against "public 27 entities." 42 U.S.C. § 12132; *Miranda B. v. Kitzhaber*, 328 F.3d 1181, 1187-88 (9th Cir. 2003). Additionally, to assert a claim against a private entity under Title III of the ADA, a 1 plaintiff must allege: "(1) he is disabled as defined by the ADA; (2) the defendant is a private 2 entity that owns, leases or operates a place of public accommodation; (3) the defendant 3 employed a discriminatory policy or practice; and (4) the defendant discriminated against the 4 plaintiff based upon the plaintiff's disability by (a) failing to make a requested reasonable 5 modification that was (b) necessary to accommodate the plaintiff's disability". *Fortyune v. Am. 6 Multi-Cinema, Inc.*, 364 F.3d 1075, 1082 (9th Cir. 2004). 7 Plaintiff fails to allege sufficient facts to support an ADA claim against any defendant. 8 Even assuming Plaintiff's allegation that he has ADHD were sufficient to show he is an 9 individual with a qualified disability under the ADA, Plaintiff's complaint does not clearly allege 10 the remaining elements of either a Title II or Title III ADA claim. Accordingly, Plaintiff fails to 11 state a claim under the ADA.

12 2. 42 U.S.C. § 1983

13 Plaintiff also alleges a violation of "42 U.S. Code § 1983 – Denial of Due Process and 14 Equal Protection rights." (ECF No. 1, p. 3.) Section 1983 provides a means to bring a cause of 15 action for the violation of a plaintiff's constitutional or other federal rights by persons acting 16 under color of state law. *Nurre v. Whitehead*, 580 F.3d 1087, 1092 (9th Cir 2009); *Long v. Cnty. 17 of Los Angeles*, 442 F.3d 1178, 1185 (9th Cir. 2006); *Jones v. Williams*, 297 F.3d 930, 934 (9th

18 Cir. 2002). To state a claim under section 1983, Plaintiff is required to show that (1) each
19 defendant acted under color of state law and (2) each defendant deprived him of rights secured
20 by the Constitution or federal law. Long, 442 F.3d at 1185. 21 To the extent Plaintiff brings a
Section 1983 claim against the SSA, he cannot because 22 the SSA is a federal agency, not an
actor under state law. 23 Neither is State Farm or California Department of Insurance a “person”
subject to 24 liability under 42 U.S.C. § 1983. Further, Plaintiff fails to allege facts that plausibly
support 25 these defendants, or their agents, were acting under color of state law. “[P]urely private
conduct, 26 no matter how wrongful, is not within the protective orbit of section 1983.” *Ouzts v.*
Maryland Nat. Ins. Co., 505 F.2d 547, 550 (9th Cir. 1974); see also *Van Ort v. Estate of*
Stanewich, 92 1 violations by private actors).

2 3. SSA

3 As pleaded, the Court is unaware of any private right of action under the SSA that would 4 allow
for the recovery Plaintiff seeks. Cf. 42 U.S.C. § 1395y(3) (a private cause of action for 5 private
individuals to sue a state’s failure to comply with federal mandates related to Medicaid). 6 Thus,
this does not appear to a judiciable claim. 7 4. Supplemental Jurisdiction 8 Plaintiff’s laundry-list
of violations includes two state law claims. As pleaded, the Court 9 would recommend declining
to exercise supplemental jurisdiction over Plaintiff’s state law 10 claims because he has not stated
a valid federal claim. However, in the event that Plaintiff, who 11 is proceeding pro se, amends his
complaint to plausibly allege a federal claim, the Court briefly 12 provides the legal standards
relevant to the state law claims listed in Plaintiff’s complaint. 13 a. California Fair Claims
Settlement Practices Regulations 14 Plaintiff alleges “misconduct and denial of benefits” by State
Farm. (ECF No. 1, p. 3.) 15 Regardless of the factual deficiencies, a prior screening order by this
Court informed Plaintiff 16 that the regulations set forth in 10 C.C.R. § 2695.1, et seq. do not
create a private right of action. 17 *Goodwin v. State Farm Gen. Ins. Co.*, No. 1:24-CV-00795-JLT-
SAB, 2024 WL 3889915, at *6 18 (E.D. Cal. Aug. 21, 2024); see *Height St. Skilled Care, LLC v.*
Liberty Mut. Ins. Co., No. 1:21- 19 cv-01247-JLT-BAK (BAM), 2022 WL 1665220, at *5 (E.D.
Cal. May 25, 2022); *Aerojet 20 Rocketdyne, Inc. v. Glob. Aerospace, Inc.*, No. 2:17-CV-01515-
KJM-AC, 2020 WL 3893395, at 21 *6 (E.D. Cal. July 10, 2020); *Rattan v. United Servs. Auto.*
Ass’n, 84 Cal. App. 4th 715, 724 22 (Cal. Ct. App. 2000) (“neither the Insurance Code nor
regulations adopted under its authority 23 provide a private right of action.”)). To the extent
Plaintiff alleges State Farm violated the 24 California Fair Claims Settlement Practices
Regulations, Plaintiff fails to state a cognizable 25 claim. 26 b. Negligence 27 In order to establish
a claim of negligence under California law, “the plaintiff must show 1 the proximate or legal cause
of the resulting injury.” *Brown v. USA Taekwondo*, 11 Cal. 5th 2 204, 213, 483 P.3d 159 (Cal.
2021) (quoting *Nally v. Grace Comm. Church*, 47 Cal. 3d 278, 292, 3 763 P.2d 948 (Cal. 1988)). 4
Plaintiff does not allege any facts suggesting that any defendant owed him a duty of care 5 that
was breached. Nor does Plaintiff allege that there was a resulting injury proximately related 6 to
any purported breach. Thus, Plaintiff has failed to state a claim of negligence. 7 IV.

8 CONCLUSION AND ORDER

9 Based on the foregoing, Plaintiff's complaint fails to state a cognizable claim for relief. 10 The
Court will grant Plaintiff an opportunity to amend the complaint to cure the above-identified 11
deficiencies to the extent Plaintiff is able to do so in good faith. *Lopez v. Smith*, 203 F.3d 1122, 12
1130 (9th Cir. 2000). 13 Plaintiff's amended complaint must comply with Rule 8 of the Federal
Rules of Civil 14 Procedure. Although accepted as true, the "[f]actual allegations must be
[sufficient] to raise a 15 right to relief above the speculative level..." *Twombly*, 550 U.S. at 555
(citations omitted). 16 Additionally, Plaintiff may not change the nature of this suit by adding new,
unrelated claims in 17 his amended complaint. *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007).
18 Plaintiff is advised that an amended complaint supersedes the original complaint. *Lacey 19 v.*
Maricopa Cnty., 693 F.3d 896, 927. Therefore, Plaintiff's amended complaint must be 20
"complete in itself without reference to the prior or superseded pleading." Local Rule 220. 21
Based on the foregoing, IT IS HEREBY ORDERED that: 22 1. The Clerk of the Court shall send
Plaintiff a civil rights complaint form; 23 2. Within thirty (30) days from the date of service of this
order, Plaintiff shall file a 24 first amended complaint curing the deficiencies identified by the
Court in this 25 order; 26 3. The first amended complaint, including attachments, shall not exceed
twenty-five 27 (25) pages in length; and 1 4. If Plaintiff fails to file a first amended complaint in
compliance with this order, 2 the Court will recommend to the district judge that this action be
dismissed 3 without leave to amend for failure to state a claim. 4

5 IT IS SO ORDERED. FA. ee

6 | Dated: _ May 22, 2025

STANLEY A. BOONE

7 United States Magistrate Judge 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28