

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Matthew v. United States

No. 3:25-cv-01664-JES-JLB (S.D. Cal. Aug. 25, 2025) · No. 3:25-cv-01664-JES-JLB · Decided August 25, 2025

SUMMARY

The United States District Court for the Southern District of California dismissed Jacob Matthew’s first amended complaint under 28 U.S.C. § 1915(e) for failure to state a claim. The action sought to compel the United States, the Department of State, the San Diego Passport Agency, and the Secretary of State to issue a passport without requiring a Social Security number. The court dismissed without leave to amend and denied the plaintiff’s other motions as moot, directing the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Southern District of California
JURISDICTION	United States District Court for the Southern District of California
DECIDED	August 25, 2025
DOCKET	3:25-cv-01664-JES-JLB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff filed a first amended complaint seeking to compel defendants to issue a United States passport without requiring a Social Security number. The district court screened the amended complaint under 28 U.S.C. § 1915(e), dismissed it without leave to amend, denied in forma pauperis status and the remaining motions, and directed the clerk to close the case.
STANDARD OF REVIEW	Mandatory sua sponte screening of an in forma pauperis complaint under 28 U.S.C. § 1915(e), including dismissal when the complaint fails to state a claim upon which relief may be granted.
PRECEDENTIAL VALUE	Unknown
PARTIES	Jacob Matthew v. United States, United States Department of State, San Diego Passport Agency, Marco Rubio, in his official capacity as Secretary of State

TOPICS

motions to dismiss

civil procedure

injunctions

judicial review of agency action

PRACTICE AREAS

civil procedure

immigration

administrative law

QUESTIONS PRESENTED

1. Whether the first amended complaint stated a claim upon which relief could be granted under 28 U.S.C. § 1915(e).
2. Whether plaintiff should receive leave to amend after repeating the same allegations that had rendered the original complaint deficient.
3. Whether plaintiff's pending motions should be granted after dismissal of the first amended complaint.

HOLDINGS

1. The first amended complaint failed to state a claim upon which relief could be granted and was subject to dismissal under 28 U.S.C. § 1915(e).
2. The court dismissed the first amended complaint without leave to amend.
3. The court denied all other pending motions as moot, including the motions for in forma pauperis status, clarification of equitable status, an in-chambers conference, a preliminary injunction, and a hearing.

KEY QUOTATIONS

“Consequently, the Court finds that Plaintiff once again fails to state a claim upon which relief may be granted and DISMISSES the FAC pursuant to 28 U.S.C. § 1915(e) without leave to amend.” (at 2)

“Because Plaintiff fails to state a claim upon which relief may be granted, the Court DENIES all other motions as moot.” (at 2)

FACTUAL BACKGROUND

Jacob Matthew sought to compel the United States, the Department of State, the San Diego Passport Agency, and the Secretary of State to issue him a passport without requiring a Social Security number. His first amended complaint contained the same factual allegations as his original complaint. The court concluded that those allegations did not state a claim for relief.

PROCEDURAL HISTORY

Plaintiff filed the initial complaint on June 30, 2025. The court dismissed that complaint on July 2, 2025, under 28 U.S.C. § 1915(e), granted leave to amend, and found that plaintiff failed to state a claim. Plaintiff filed the first amended complaint on July 22, 2025, along with motions for in forma pauperis status, clarification of equitable status, an in-chambers conference, a preliminary injunction, and a hearing. Because the amended complaint repeated the same factual allegations and still failed to state a claim, the court dismissed it without leave to amend and denied the remaining motions as moot.

DISPOSITION

dismissed

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1127 (9th Cir. 2000)
- Cato v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995)
- Barren v. Harrington, 152 F.3d 1193 (9th Cir. 1998)
- Zucco Partners, LLC v. Digimarc Corp., 552 F.3d 981, 1007 (9th Cir. 2009)

OPINION

Matthew v. United States

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 JACOB MATTHEW, Case No.: 3:25-cv-01664-JES-JLB 12 Plaintiff, ORDER:

13 v. (1) DISMISSING FIRST AMENDED

COMPLAINT PURSUANT TO

14 UNITED STATES, UNITED STATES

SCREENING UNDER § 1915(e);

DEPARTMENT OF STATE, SAN

15

DIEGO PASSPORT AGENCY, and

(2) DENYING MOTION FOR

16 MARCO RUBIO, in his official capacity

LEAVE TO PROCEED IN FORMA

as Secretary of State, 17 PAUPERIS; Defendants. 18

(3) DENYING MOTION TO

19 CLARIFY EQUITABLE STATUS; 20

(4) DENYING MOTION FOR

21 REQUEST FOR IN-CHAMBERS

CONFERENCE; 22

23 (5) DENYING MOTION FOR

PRELIMINARY INJUNCTION; 24

AND

25

(6) DENYING NOTICE OF MOTION

FOR HEARING

27 28 1 Pro se Plaintiff Jacob Matthew (“Plaintiff”) brings the instant action against 2 Defendants the United States, United States Department of State, San Diego Passport 3 Agency, and Marco Rubio, in his official capacity as Secretary of State (collectively, 4 “Defendants”), seeking to compel Defendants to issue a U.S. passport without the 5 requirement of providing a social security number (“SSN”). 6 Plaintiff filed his initial complaint in this matter on June 30, 2025. ECF No. 1. On

7 July 2, 2025, this Court dismissed Plaintiff’s complaint pursuant to 28 U.S.C. § 1915(e) 8 with leave to amend and dismissed other pending motions as moot. ECF No. 11. The Court 9 identified multiple deficiencies within the complaint; most glaringly, however, was 10 Plaintiff’s failure to state a claim upon which relief may be granted. See *id.* at 3-5. 11 On July 22, 2025, Plaintiff filed his first amended complaint (“FAC”) and brings the 12 following motions: (1) Motion for Leave to Proceed in forma pauperis (“IFP”); (2) Ex 13 Parte Motion to Clarify Equitable Status; (3) Ex Parte Motion to Request for In-Chambers 14 Conference; (4) Motion for Preliminary Injunction; and (5) Notice of Motion for Hearing. 15 ECF Nos. 12, 13, 14, 15, 16, 17. Plaintiff’s FAC, however, contains the same factual 16 allegations as his initial complaint. See ECF No. 12. Consequently, the Court finds that 17 Plaintiff once again fails to state a claim upon which relief may be granted and 18 DISMISSES the FAC pursuant to 28 U.S.C. § 1915(e) without leave to amend. *Lopez v. 19 Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000) (IFP complaint is subject to a mandatory and 20 sua sponte review by the Court); 28 U.S.C. § 1915(e)(2) (instructing courts to dismiss IFP 21 complaint that fail to state a claim upon which relief may be granted); see also *Cato v. 22 United States*, 70 F.3d 1103, 1106 (9th Cir. 1995) (district court has discretion to dismiss 23 IFP complaint); *Barren v. Harrington*, 152 F.3d 1193 (9th Cir. 1998) (affirming sua sponte 24 dismissal for failure to state a claim); *Zucco Partners, LLC v. Digimarc Corp.*, 552 F.3d 25 981, 1007 (9th Cir. 2009) (“A district court...may in its discretion deny leave to 26 amend... due to repeated failure to cure deficiencies by amendments previously allowed.”) 27 (internal quotations and citations omitted). 28 Because Plaintiff fails to state a claim upon which relief may be granted, the Court 2 DENIES all other motions as moot. The Clerk of Court 1s directed to close this case. 3 IT IS SO ORDERED. 4 ; Dated: August 25, 2025 “4 we SH 4, 6 Honorable James E. Sunmons Jr. 4 United States District Judge 8 9 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28