

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

OPINION

Matthew v. United States

PER CURIAM.

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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

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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