

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Sandford v. Terranova DDP

No. 2:25-cv-00808-DC-CSK PS, United States District Court for the Eastern District of California (June 3,
2025)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 JAMES SANDFORD, Case No. 2:25-cv-00808-DC-CSK PS 12 Plaintiff, 13
v. ORDER AND FINDINGS AND RECOMMENDATIONS 14 TERRANOVA DDP, et al., (ECF
Nos. 1, 2) 15 Defendants. 16 17 Plaintiff James Sandford is representing himself in this action and
seeks leave to 18 proceed in forma pauperis (“IFP”) pursuant to 28 U.S.C. § 1915.1 (ECF No. 2.)

For the 19 reasons that follow, the Court recommends Plaintiff’s IFP application be denied, and
the 20 Complaint be dismissed without leave to amend. 21 I. MOTION TO PROCEED IN
FORMA PAUPERIS 22 28 U.S.C. § 1915(a) provides that the court may authorize the
commencement, 23 prosecution or defense of any suit without prepayment of fees or security “by
a person 24 who submits an affidavit stating the person is “unable to pay such fees or give security
25 therefor.” This affidavit is to include, among other things, a statement of all assets the 26
person possesses.

Id. The IFP statute does not itself define what constitutes insufficient 27 1 This matter proceeds
before the undersigned pursuant to 28 U.S.C. § 636, Fed. R. 28 Civ. P. 72, and Local Rule 302(c).
1 assets. See *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015).

In *Escobedo*, 2 the Ninth Circuit stated that an affidavit in support of an IFP application is
sufficient 3 where it alleges that the affiant cannot pay court costs and still afford the necessities of
4 life. Id. “One need not be absolutely destitute to obtain benefits of the in forma pauperis 5
statute.” Id. Nonetheless, a party seeking IFP status must allege poverty “with some 6
particularity, definiteness and certainty.” Id. According to the United States Department 7 of
Health and Human Services, the current poverty guideline for a household of one (not 8 residing
in Alaska or Hawaii) is \$15,060.00.

See U.S. Dpt. Health & Human Service 9 (available at <https://aspe.hhs.gov/poverty-guidelines>).
10 Here, Plaintiff’s IFP shows that he has a yearly income of \$24,000, and pays 11 \$2,000 a
month in rent. See ECF No. 2. Plaintiff has made the required showing under 12 28 U.S.C. §
1915(a). See id. However, the Court will recommend Plaintiff’s IFP 13 application be denied
because the action is facially frivolous and without merit because it 14 fails to state a claim and
lacks subject matter jurisdiction. ““A district court may deny 15 leave to proceed in forma

pauperis at the outset if it appears from the face of the 16 proposed complaint that the action is frivolous or without merit.’” *Minetti v. Port of Seattle*, 152 F.3d 1113, 1115 (9th Cir.

1998) (quoting *Tripoti v. First Nat. Bank & Tr.*, 821 F.2d 1368, 1370 (9th Cir. 1987)); see also *McGee v. Dep’t of Child Support Servs.*, 584 F.3d 638 (9th Cir. 2014) (“the district court did not abuse its discretion by denying McGee’s request to proceed IFP because it appears from the face of the amended 21 complaint that McGee’s action is frivolous or without merit”); *Smart v. Heinze*, 347 F.2d 114, 116 (9th Cir.

1965) (“It is the duty of the District Court to examine any application for 23 leave to proceed in forma pauperis to determine whether the proposed proceeding has 24 merit and if it appears that the proceeding is without merit, the court is bound to deny a 25 motion seeking leave to proceed in forma pauperis.”).

Because it appears from the face 26 of the Complaint that this action is frivolous and is without merit as discussed in more 27 detail below, the Court recommends denying Plaintiff’s IFP motion. 28 / / / 1 II. SCREENING REQUIREMENT 2 Pursuant to 28 U.S.C. § 1915(e), the court must screen every in forma pauperis 3 proceeding, and must order dismissal of the case if it is “frivolous or malicious,” “fails to 4 state a claim on which relief may be granted,” or “seeks monetary relief against a 5 defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2) (B); *Lopez v. Smith*, 620 F.3d 1122, 1126-27 (2000) (en banc).

A claim is legally frivolous when it lacks an 7 arguable basis either in law or in fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). In 8 reviewing a complaint under this standard, the court accepts as true the factual 9 allegations contained in the complaint, unless they are clearly baseless or fanciful, and 10 construes those allegations in the light most favorable to the plaintiff.

See *Neitzke*, 490 U.S. at 327; *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011). 13 Pleadings by self-represented litigants are liberally construed. *Hebbe v. Pliler*, 627 F.3d 338, 342 & n.7 (9th Cir. 2010) (liberal construction appropriate even post-*Iqbal*). 15 However, the court need not accept as true conclusory allegations, unreasonable 16 inferences, or unwarranted deductions of fact.

Western Mining Council v. Watt, 643 F.2d 618, 624 (9th Cir. 1981). A formulaic recitation of the elements of a cause of action does 18 not suffice to state a claim. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-57 (2007); 19 *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). 20 To state a claim on which relief may be granted, the plaintiff must allege enough 21 facts “to state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A 22 claim has facial plausibility when the plaintiff pleads factual content that allows the court 23 to draw the reasonable inference that the defendant is liable for the misconduct alleged.” 24 *Iqbal*, 556 U.S. at 678.

A pro se litigant is entitled to notice of the deficiencies in the 25 complaint and an opportunity to amend unless the complaint's deficiencies could not be 26 cured by amendment. See Lopez, 203 F.3d at 1130-31; Cahill v. Liberty Mut. Ins. Co., 80 27 F.3d 336, 339 (9th Cir. 1996). 28 / / / 1 III. THE COMPLAINT 2 Plaintiff's Complaint was initially filed in the Northern District of California.

See 3 Compl. (ECF No. 1). The case was transferred to this Court on March 11, 2025. (ECF 4 No. 7.) Plaintiff states that his Complaint is against Sacramento Superior Court Judges 5 Christopher E. Kruger, Richard K. Sueyoshi, and Steven M Gevercer; District Judge 6 Dale A. Drozd of the Eastern District of California, and "the law group represented by 7 Jeff Long." Compl. at 1.

In the title of the document, Plaintiff also lists that the Complaint 8 is against "Terranova" and "Lavangie Law Group." Id. Plaintiff brings claims for "blatant 9 negligence, misconduct, and conspiracy in handling [his] cases," breach of contract, 10 intentional infliction of emotional distress, gross negligence, defamation, libel, perjury, 11 conspiracy, abuse of process, and abuse of discovery.

Id. 12 Plaintiff alleges that Judge Kruger reviewed only two pages of a document and 13 issued a minute order based on "false demurrers." Id. at 2. Plaintiff alleges that Judge 14 Sueyoshi dismissed two cases against a law firm without reviewing evidence. Id. Plaintiff 15 alleges that Judge Gevercer wrongfully deemed requests for admissions admitted. Id. 16 Plaintiff further argues that Judge Drozd "refused to review [his] IFP... application" and 17 "showed no concern about issuing the summons." Id. Finally, Plaintiff argues that "Jeff 18 Long and Associates" "conspired to break multiple rules and ethical standards." Id. at 3.

19 Plaintiff has filed multiple other documents in addition to his Complaint. (See ECF 20 Nos. 2, 3, 11, 12, 13.) Plaintiff filed a document he calls a "brief" (ECF No. 2); a "cease 21 and desist letter" (ECF No. 3); a notice of claims which appears to be a witness list (ECF 22 No. 12), and a declaration and testimony (ECF No. 13).

The Court makes clear that it 23 does not construe any of these documents as the complaint, and will analyze ECF No. 1 24 as the operative Complaint. 25 Plaintiff also filed a "request" for documents, which is addressed to Terranova and 26 attorney Jeff Long and seeks documents from Terranova and attorney Long. (ECF No. 27 11.) Discovery requests for documents must be made directly to the opposing parties, 28 and should not be sent to the Court.

In addition, discovery may not commence until the 1 parties have conferred pursuant to Federal Rule of Civil Procedure 26(f), or if another 2 exception is established. See Fed. R. Civ. P. 26(d). To the extent Plaintiff is seeking 3 documents from the Court, the request is DENIED as improperly made. 4 The Court notes that Plaintiff has filed three other cases in this district court: 5 Sandford v. Terranova, No. 2:24-cv-03343-DAD-CKD PS, 2025 WL 417715, at *2 (E.D.

6 Cal. Feb. 6, 2025), findings and recommendations adopted by 2025 WL 1248734 (Apr. 7 30, 2025) (“Sandford I”) (dismissing without leave to amend claims alleging intentional 8 infliction of emotional distress “caused by Terranova, a court-ordered program, and their 9 insurer,” and noting that plaintiff appeared to have an ongoing state court proceeding 10 also against Terranova); Sandford v. Sacramento PD, No. 2:25-cv-0434-DC-JDP PS, 11 2025 WL 587050, at *1-2 (E.D.

Cal. Feb 24, 2025), findings and recommendations 12 adopted by 2025 WL 1040816 (Apr. 8, 2025) (“Sandford II”) (dismissing without leave to 13 amend claims alleging defendants negligently managed plaintiff’s daughter’s assault 14 case by taking no action after plaintiff filed a report, sent the police a video of the 15 assault, and called and visited the police department); and Sandford v. Sacramento 16 Police Dept., No. 2:25-cv-00106-DJC-CSK PS (E.D.

Cal.) (pending action alleging a 17 Sacramento police officer submitted a false police report in March 2009, which resulted 18 in violation of plaintiff’s constitutional rights) (“Sandford III”). The Court refers to this 19 instant action as “Sandford IV.” 20 IV. DISCUSSION 21 A. Lack of Subject Matter Jurisdiction 22 Federal courts are courts of limited jurisdiction and may hear only those cases 23 authorized by federal law.

Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 377 (1994). 24 Jurisdiction is a threshold inquiry, and “[f]ederal courts are presumed to lack jurisdiction, 25 ‘unless the contrary appears affirmatively from the record.’” Casey v. Lewis, 4 F.3d 1516, 26 1519 (9th Cir. 1993) (quoting Bender v. Williamsport Area Sch. Dist., 475 U.S. 534, 546 27 (1986)); see Morongo Band of Mission Indians v. Cal. State Bd. of Equalization, 858 28 F.2d 1376, 1380 (9th Cir.

1988). Without jurisdiction, the district court cannot decide the 1 merits of a case or order any relief and must dismiss the case. See Morongo, 858 F.2d 2 at 1380. A federal court’s jurisdiction may be established in one of two ways: actions 3 arising under federal law or those between citizens of different states in which the 4 alleged damages exceed \$75,000.

28 U.S.C. §§ 1331, 1332. “Subject-matter jurisdiction 5 can never be waived or forfeited,” and “courts are obligated to consider sua sponte” 6 subject matter jurisdiction even when not raised by the parties. Gonzalez v. Thaler, 565 7 U.S. 134, 141 (2012). 8 The Sandford IV Complaint fails to establish the Court’s subject matter 9 jurisdiction. See Compl.

The Complaint itself does not assert a basis for jurisdiction, but 10 Plaintiff checked the “federal question” box on the civil cover sheet attached to the 11 Complaint. (ECF No. 1-1 at 1.) The Complaint does not, however, plead a claim based 12 on federal law and does not present any federal questions. Plaintiff’s allegations are not 13 based on federal law.

Plaintiff alleges claims based on negligence, misconduct, 14 conspiracy, breach of contract, intentional infliction of emotional distress, gross 15 negligence, defamation, libel, perjury, conspiracy, abuse of process, and abuse of 16 discovery. Compl. at 1. Further, the Complaint does

not allege that there is diversity of citizenship between the parties where Plaintiff has listed a Sacramento address for himself and has brought claims against four judges based in Sacramento.

Compl. at 1. Plaintiff has not stated where “Terranova” or “Lavangie Law Group” are located. Therefore, the Court lacks subject matter jurisdiction. B. Failure to Comply with Federal Rule of Civil Procedure 8 The Sanford IV Complaint does not contain a short and plain statement of a claim as required by Federal Rule of Civil Procedure 8.

In order to give fair notice of the claims and the grounds on which they rest, a plaintiff must allege with at least some degree of particularity overt acts by specific defendants which support the claims. See *Kimes v. Stone*, 84 F.3d 1121, 1129 (9th Cir. 1996). Plaintiff lists multiple causes of action but does not describe in detail or provide enough facts to show how each defendant violated Plaintiff’s rights.

Plaintiff’s allegations are conclusory and are not supported by sufficient facts. Although the Federal Rules adopt a flexible pleading policy, even a pro se litigant’s complaint must give fair notice and state the elements of a claim plainly and succinctly. *Jones v. Community Redev. Agency*, 733 F.2d 646, 649 (9th Cir. 4 1984). 5 The Sanford IV Complaint is subject to dismissal.

See *McHenry v. Renne*, 84 6 F.3d 1172, 1178-80 (9th Cir. 1996) (affirming dismissal of complaint where “one cannot determine from the complaint who is being sued, for what relief, and on what theory, with enough detail to guide discovery”). 9 C. Judicial Immunity 10 Plaintiff brings claims against Sacramento Superior Court Judges Christopher E. Kruger, Richard K. Sueyoshi, and Steven M. Gevercer; and United States District Judge Dale A. Drozd of the Eastern District of California.

Under the doctrine of judicial immunity, judges have absolute immunity for their acts related to the judicial process. 14 See *In re Castillo*, 297 F.3d 940, 947 (9th Cir. 2002); *Demoran v. Witt*, 781 F.2d 155, 158 (9th Cir. 1985). 16 Here, Plaintiff alleges that Judge Kruger issued a minute order “based on false demurrers” and reviewed only two pages of a forty-eight-page submission; Judge Sueyoshi dismissed two cases against a law firm without reviewing the evidence; Judge Gevercer improperly deemed requests for admissions admitted; and Judge Drozd 20 refused to review Plaintiff’s IFP application in a different case.

Compl. at 2-3. The conduct Plaintiff challenges relates to each judge’s acts related to their judicial duties. 22 See *id.* Judges Kruger, Sueyoshi, Gevercer, and Drozd have absolute immunity for 23 these acts. See *In re Castillo*, 297 F.3d at 947.

Therefore, Plaintiff’s claim against Judges Kruger, Sueyoshi, Gevercer, and Drozd should be dismissed. See *id.* 25 D. Leave to Amend 26 In considering whether leave to amend should be granted, the Court considers 27 that Plaintiff’s Complaint does not allege a ground for subject

matter jurisdiction, does not comply with the requirements of Federal Rule of Civil Procedure 8, and is barred by 1 | judicial immunity.

Based on these deficiencies, it appears granting leave to amend would 2 | be futile. The Complaint should therefore be dismissed without leave to amend. See 3 | Lopez, 203 F.3d at 1130-31; Cato v. United States, 70 F.3d 1103, 1105-06 (9th Cir. 4 | 1995).

As described above, the Court also notes that Plaintiff had two prior cases in this 5 | district court that were dismissed without leave to amend. See Sandford |, 2025 WL 6 | 417715; Sandford I/, 2025 WL 587050. 7 V. CONCLUSION 8 In accordance with the above, IT |S ORDERED that Plaintiff's request for 9 | documents (ECF No. 11) is DENIED as moot. 10 Based upon the findings above, it is RECOMMENDED that: 11 1.

Plaintiff's motion to proceed in forma pauperis (ECF No. 2) be DENIED; 12 2. Plaintiffs Complaint (ECF No. 1) be DISMISSED without leave to amend; 13 and 14 3. The Clerk of the Court be directed to CLOSE this case. 15 | These findings and recommendations are submitted to the United States District Judge 16 | assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1).

Within 14 days 17 || after being served with these findings and recommendations, any party may file written 18 || objections with the Court and serve a copy on all parties. This document should be 19 | captioned "Objections to Magistrate Judge's Findings and Recommendations." Any reply 20 | to the objections shall be served on all parties and filed with the Court within 14 days 21 | after service of the objections.

Failure to file objections within the specified time may 22 | waive the right to appeal the District Court's order. Turner v. Duncan, 158 F.3d 449, 455 23 | (9th Cir. 1998); Martinez v. Yist, 951 F.2d 1153, 1156-57 (9th Cir. 1991). 24 95 Dated: June 2, 2025 (i s \C 26 GHI 500 KIM UNITED STATES MAGISTRATE JUDGE 27 33 5, sand.0808.25