

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Smith v. Ayodele

No. 1:24-cv-01562-BAM (E.D. Cal. Apr. 21, 2025) · No. 1:24-cv-01562-BAM · Decided April 21, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissal without leave to amend of a pro se, in forma pauperis action against Olusseyi Ayodele. The court concludes that the third amended complaint fails to satisfy Federal Rule of Civil Procedure 8, does not state a cognizable Section 1983 or civil RICO claim, and cannot pursue criminal claims in a civil action.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 21, 2025
DOCKET	1:24-cv-01562-BAM
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal of a pro se, in forma pauperis civil action without leave to amend, subject to review by an assigned district judge.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915(e)(2), with dismissal required if the complaint is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant; pleading sufficiency was assessed under Federal Rule of Civil Procedure 8 and the plausibility standard of Ashcroft v. Iqbal and Bell Atlantic Corp. v. Twombly.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Candace Smith v. Olusseyi Ayodele

TOPICS

- pleadings
- section 1983
- civil rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the third amended complaint satisfied Federal Rule of Civil Procedure 8 by providing a short and plain statement showing entitlement to relief.
2. Whether Plaintiff stated a cognizable claim under 42 U.S.C. § 1983 against a private defendant.
3. Whether Plaintiff adequately pleaded a civil RICO claim.
4. Whether Plaintiff could pursue attempted murder, robbery, theft, stalking, and other alleged criminal conduct through a civil lawsuit.
5. Whether amendment should be permitted or would be futile.

HOLDINGS

1. The third amended complaint failed to satisfy Federal Rule of Civil Procedure 8 because it was disjointed and unclear about the factual events, timing, participants, and legal claims, and therefore did not state a plausible claim for relief.
2. Plaintiff failed to state a cognizable claim under 42 U.S.C. § 1983 because she did not allege facts showing that Defendant, a private party, acted under color of state law.
3. Plaintiff failed to state a civil RICO claim because she did not allege conduct of an enterprise through a pattern of racketeering activity causing injury to her business or property.
4. Plaintiff could not pursue claims for attempted murder, robbery, theft, stalking, attacking, or other criminal conduct as criminal claims in a private civil lawsuit.
5. Leave to amend should be denied because further amendment would be futile in light of Plaintiff's repeated deficient filings and repeated advisements of the applicable pleading and legal requirements.

KEY QUOTATIONS

“Without a clear, concise statement of the factual allegations, the Court cannot conclude that Plaintiff states a cognizable claim for relief.” (at 5)

“Here, Defendant Ayodele is a private party, and Plaintiff fails to allege facts to support a finding that Defendant Ayodele has acted under color of state law.” (at 6)

“The Court therefore finds that amendment of the complaint would be futile, and that this action should be dismissed without leave to amend.” (at 7)

FACTUAL BACKGROUND

Plaintiff alleged that Defendant engaged in civil-rights violations, attempted murder, robbery, identity theft, stalking, violence, drugging, kidnapping, HIV transmission, child-related crimes, and racketeering. The allegations were presented in a disjointed manner, with margin annotations, arrows, illegible text, and little clarity about what occurred, when it occurred, or who was involved. Plaintiff sought punitive and monetary damages, medical bills, and return of property.

PROCEDURAL HISTORY

Plaintiff initiated the action pro se and in forma pauperis. After the original complaint was struck as unsigned, Plaintiff filed successive amended complaints; the Court granted leave to file a third amended complaint and ordered it filed. Upon screening the third amended complaint under 28 U.S.C. § 1915(e)(2), the magistrate judge found the pleading deficient under Rule 8, found no actionable § 1983 claim, found insufficient allegations for civil RICO, and concluded that asserted criminal claims could not be pursued in a civil action. The court recommended dismissal without leave to amend and directed random assignment of a district judge; objections were permitted within fourteen days.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Doe I v. Wal-Mart Stores, Inc., 572 F.3d 677, 681 (9th Cir. 2009)
- Moss v. U.S. Secret Service, 572 F.3d 962, 969 (9th Cir. 2009)
- Long v. County of Los Angeles, 442 F.3d 1178, 1185 (9th Cir. 2006)
- Marsh v. County of San Diego, 680 F.3d 1148, 1158 (9th Cir. 2012)
- Van Ort v. Estate of Stanewich, 92 F.3d 831, 835 (9th Cir. 1996)
- Kirtley v. Rainey, 326 F.3d 1088, 1092 (9th Cir. 2003)
- Single Moms, Inc. v. Mont. Power Co., 331 F.3d 743, 746-47 (9th Cir. 2003)
- Ove v. Gwinn, 264 F.3d 817, 825 (9th Cir. 2001)
- Living Designs, Inc. v. E.I. DuPont de Nemours & Co., 431 F.3d 353, 361 (9th Cir. 2005)
- Grimes v. A1-Auto Care, No. 21-cv-02093-LL-BLM, 2022 WL 959273, at *3 (S.D. Cal. Mar. 30, 2022)
- Smith v. Ayodele, No. 1:24-cv-01100-JLT-SKO, 2024 WL 4729043, at *4 (E.D. Cal. Nov. 8, 2024)
- Smith v. Ayodele, No. 1:24-cv-1100 JLT SKO, 2024 WL 5202462 (E.D. Cal. Dec. 23, 2024)
- Bly-Magee v. California, 236 F.3d 1014, 1019 (9th Cir. 2001)
- Smith v. Chase Bank, No. 1:25-cv-00330-SKO, 2025 WL 958755, at *5 (E.D. Cal. Mar. 31, 2025)
- United States v. Duran, 41 F.3d 540, 544 (9th Cir. 1994)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)