

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Vincent Boyd v. Hunter, Junior Kipi, and Andrew Scott

Boyd · No. 2:25-cv-02380-JAD-EJY · Decided December 5, 2025

SUMMARY

The United States District Court for the District of Nevada grants Vincent Boyd’s application to proceed in forma pauperis and screens his complaint under 28 U.S.C. § 1915. The magistrate judge recommends dismissing the complaint without prejudice and without leave to amend in federal court because it does not establish federal-question or diversity jurisdiction. The recommendation notes that any potential state-law selective-enforcement claim may be pursued in state court.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Elayna J. Youchah
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 5, 2025
DOCKET	2:25-cv-02380-JAD-EJY
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff applied to proceed in forma pauperis and filed a pro se complaint. The magistrate judge granted the application, screened the complaint under 28 U.S.C. § 1915(e)(2), and recommended dismissal without prejudice and without leave to amend in federal court.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court screens an IFP complaint and must dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. Failure to state a claim is evaluated under Federal Rule of Civil Procedure 12(b)(6); factual allegations are accepted as true and construed in the plaintiff's favor, while conclusory allegations are not entitled to the assumption of truth. Subject-matter jurisdiction may be raised sua sponte, and the plaintiff bears the burden of establishing jurisdiction.
PRECEDENTIAL VALUE	unpublished
PARTIES	Vincent Boyd v. Hunter, Junior Kipi, Andrew Scott

TOPICS

subject matter jurisdiction

civil rights

fourteenth amendment

section 1983

civil procedure

PRACTICE AREAS

civil procedure

federal jurisdiction

civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether the complaint alleged a federal question or a viable federal constitutional or civil-rights claim sufficient to invoke federal-question jurisdiction.
2. Whether the complaint established diversity jurisdiction under 28 U.S.C. § 1332.
3. Whether the complaint should be dismissed under the court's screening authority and whether amendment should be permitted.

HOLDINGS

1. The complaint failed to allege a violation of federal law or the United States Constitution and therefore did not establish a basis for federal-question jurisdiction.
2. The complaint failed to establish diversity jurisdiction because it did not plead facts showing complete diversity of citizenship and did not otherwise establish the jurisdictional requirements of 28 U.S.C. § 1332.
3. The complaint should be dismissed without prejudice under the IFP screening provisions, but without leave to amend in this federal court because the complaint alleged no basis for federal jurisdiction.

KEY QUOTATIONS

"Federal district courts are courts of limited jurisdiction, possessing only that power authorized by Constitution and statute." (Document text at Section II)

"DISMISSED without prejudice, but without leave to amend." (Document text at Recommendation)

FACTUAL BACKGROUND

Boyd alleged that his vehicle was parked at an EOS Fitness Gym on Maryland Parkway in Las Vegas and was towed while he was inside the gym because property management determined that it was not authorized to park there. He complained to the Nevada Department of Transportation, which received a report by Andrew Scott stating that the tow and the towing company's actions were lawful. Boyd alleged that the vehicle was later sold at auction, asserted a cause of action called "The Right to Park," and made an unsupported assertion that the Department of Transportation had discriminated against him.

PROCEDURAL HISTORY

Boyd filed a complaint concerning the towing and subsequent sale of his vehicle and sought leave to proceed in forma pauperis. After screening the complaint, the court concluded that it alleged no federal question and did not establish diversity jurisdiction. The court granted IFP status and recommended dismissal without prejudice, but

without leave to amend in that court, while indicating that any potentially viable state-law selective-enforcement claim could be pursued in state court.

DISPOSITION

dismissed

CASES CITED

- *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir.)
- *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir.)
- *Warshaw v. Xoma Corp.*, 74 F.3d 955, 957 (9th Cir.)
- *Hughes v. Rowe*, 449 U.S. 5, 9 (1980)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009)
- *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989)
- *McKeever v. Block*, 932 F.2d 795, 798 (9th Cir.)
- *K2 Am. Corp. v. Roland Oil & Gas, LLC*, 653 F.3d 1024, 1027 (9th Cir.)
- *Morris v. Princess Cruises, Inc.*, 236 F.3d 1061, 1067 (9th Cir.)
- *Special Investments, Inc. v. Aero Air, Inc.*, 360 F.3d 989, 992 (9th Cir.)
- *McCauley v. Ford Motor Co.*, 264 F.3d 952, 957 (9th Cir.)
- *Naffe v. Frey*, 789 F.3d 1030, 1040 (9th Cir.)
- *Breck v. Doyle*, 796 Fed. Appx. 333, 336 (9th Cir.)
- *Monell v. New York City Dep't of Social Services*, 436 U.S. 658 (1978)
- *Krainski v. Nevada ex rel. Bd. of Regents of Nev. Sys. of Higher Educ.*, 616 F.3d 963, 967 (9th Cir.)
- *Will v. Mich. Dep't of State Police*, 491 U.S. 58, 70-71 (1989)
- *Newman-Green, Inc. v. Alfonzo-Larrain*, 490 U.S. 826, 829 (1989)
- *Vanvelzor v. Central Garden & Pet Co.*, Case No. 3:10-cv-085-JWS, 2010 WL 3219534, at *1 (D. Alaska Aug. 13, 2010)
- *Kwiatwoski v. Hartford Fire Insurance Co.*, Case No. 2:08-cv-00730-APG-VCF, 2014 WL 12718519, at *1 (D. Nev. Sept. 24, 2014)
- *Roe v. Michelin N. Am., Inc.*, 613 F.3d 1058, 1061-62 (11th Cir.)
- *State v. Dickerson*, 113 P. 105, 111 (Nev. 1910)
- *Ex parte Boyce*, 27 Nev. 331, 75 P. 3 (1904)
- *Thomas v. Arn*, 474 U.S. 140, 142 (1985)
- *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.)
- *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir.)

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