

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Shannon O. Murphy Esq. Sr. dba Sheetmetal & Associates v. U.S.
Department of Veterans Affairs

Murphy v. U.S. Department of Veterans Affairs · No. 2:25-cv-1887-TLN-CSK · Decided September 16, 2025

SUMMARY

The document contains findings and recommendations by a magistrate judge in the Eastern District of California concerning a pro se plaintiff’s claims against the U.S. Department of Veterans Affairs. The court recommends denying the plaintiff’s application to proceed in forma pauperis and dismissing the complaint without leave to amend based on sovereign immunity, failure to name the proper defendant under the Federal Tort Claims Act, inadequate pleading, and the plaintiff’s inability to represent a business entity. The court also recommends closing the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 16, 2025
DOCKET	2:25-cv-1887-TLN-CSK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a complaint against the U.S. Department of Veterans Affairs and moved to proceed in forma pauperis. The magistrate judge issued findings and recommendations recommending denial of the IFP motion and dismissal of the complaint without leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e), an in forma pauperis complaint must be dismissed if it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from an immune defendant. Factual allegations are accepted as true unless clearly baseless or fanciful, and pro se pleadings are liberally construed, but conclusory allegations, unreasonable inferences, unwarranted deductions, and formulaic recitations are insufficient.

PRECEDENTIAL VALUE	Unknown; findings and recommendations of a magistrate judge, not a final merits judgment.
PARTIES	Shannon O. Murphy Esq. Sr. dba Sheetmetal & Associates v. U.S. Department of Veterans Affairs

TOPICS

subject matter jurisdiction civil procedure pleadings motions to dismiss administrative law

PRACTICE AREAS

civil procedure federal jurisdiction administrative law torts contracts

QUESTIONS PRESENTED

1. Whether Plaintiff's application to proceed in forma pauperis should be denied because the complaint is facially frivolous or without merit despite Plaintiff's showing of financial eligibility.
2. Whether the complaint should be dismissed under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim or because it seeks relief against an immune defendant.
3. Whether Plaintiff may represent Sheetmetal & Associates without counsel.
4. Whether sovereign immunity bars claims against the U.S. Department of Veterans Affairs absent an alleged waiver.
5. Whether any potential Federal Tort Claims Act claim fails because Plaintiff named the Department of Veterans Affairs rather than the United States.
6. Whether the complaint violates Federal Rule of Civil Procedure 8 and whether amendment would be futile.

HOLDINGS

1. A court may deny an otherwise financially sufficient application to proceed in forma pauperis when the proposed action is facially frivolous or without merit.
2. An action proceeding in forma pauperis must be dismissed if it is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant.
3. A corporation or other entity may appear in federal court only through an attorney; a pro se plaintiff may not represent the entity.
4. Claims against the federal government and its agencies are barred for lack of subject-matter jurisdiction unless the government has expressly and unequivocally waived sovereign immunity.
5. The United States, not a federal agency, is the proper defendant in a Federal Tort Claims Act action.
6. A complaint must provide a short and plain statement giving fair notice of the claims and the grounds on which they rest; leave to amend may be denied when amendment would be futile.

KEY QUOTATIONS

“Nonetheless, a party seeking IFP status must allege poverty “with some particularity, definiteness and certainty.”” (1)

“To state a claim on which relief may be granted, the plaintiff must allege enough facts “to state a claim to relief that is plausible on its face.”” (2)

“Suits against the federal government are barred for lack of subject matter jurisdiction unless the government expressly and unequivocally waives its sovereign immunity.” (3)

“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.” (4)

FACTUAL BACKGROUND

Plaintiff sued the U.S. Department of Veterans Affairs, apparently based on a May 2020 letter concerning the results of a class action and the effect of that action on a prior claim for reimbursement of health-care costs. He asserted negligence, breach of contract, discrimination, harassment, and assault, alleging injury including panic attacks and aggravation of bipolar disorder, and sought \$350,000 in damages. Plaintiff also attempted to proceed on behalf of Sheetmetal & Associates while representing himself.

PROCEDURAL HISTORY

Plaintiff filed the action on July 3, 2025, asserting negligence, breach of contract, discrimination, harassment, and assault claims and seeking damages. The court found that Plaintiff sufficiently showed inability to pay filing fees but that the action was facially frivolous or failed to state a claim. After screening under 28 U.S.C. § 1915(e), the court recommended denying IFP status, dismissing the complaint without leave to amend, and closing the case. The recommendations were submitted to the assigned district judge under 28 U.S.C. § 636(b) (1), subject to objections.

DISPOSITION

other

CASES CITED

- Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015)
- Minetti v. Port of Seattle, 152 F.3d 1113, 1115 (9th Cir. 1998)
- Tripati v. First Nat. Bank & Tr., 821 F.2d 1368, 1370 (9th Cir. 1987)
- McGee v. Dep't of Child Support Servs., 584 Fed. App'x 638 (9th Cir. 2014)
- Smart v. Heinze, 347 F.2d 114, 116 (9th Cir. 1965)
- Lopez v. Smith, 203 F.3d 1122, 1126-27, 1130-31 (9th Cir. 2000) (en banc)
- Neitzke v. Williams, 490 U.S. 319, 325-27 (1989)
- 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)

- *Hebbe v. Pliler*, 627 F.3d 338, 342 & n.7 (9th Cir. 2010)
- *Western Mining Council v. Watt*, 643 F.2d 618, 624 (9th Cir. 1981)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-57, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Cahill v. Liberty Mut. Ins. Co.*, 80 F.3d 336, 339 (9th Cir. 1996)
- *Caveman Foods, LLC v. jAnn Payne's Caveman Foods, LLC*, 2015 WL 6736801, at *2 (E.D. Cal. Nov. 4, 2015)
- *Murphy v. Colony Ins. Co.*, No. 2:20-cv-00303-JAM-CKD (E.D. Cal. Feb. 17, 2020)
- *Murphy v. First Republic Bank, N.A.*, No. 2:21-cv-0399-JAM-CKD (PS) (E.D. Cal. Apr. 5, 2021)
- *Mills v. United States*, 742 F.3d 400, 404 (9th Cir. 2014)
- *Assiniboine & Sioux Tribes of Fort Peck Indian Reservation v. Bd. of Oil & Gas Conservation of State of Mont.*, 792 F.2d 782, 792 (9th Cir. 1986)
- *Levin v. United States*, 568 U.S. 503, 506 (2013)
- *Lance v. United States*, 70 F.3d 1093, 1095 (9th Cir. 1995)
- *Woods v. United States*, 720 F.2d 1451, 1452 n.1 (9th Cir. 1983)
- *Kimes v. Stone*, 84 F.3d 1121, 1129 (9th Cir. 1996)
- *Murphy v. Nation's Giant Hamburgers*, 2024 WL 267857, at *2 (E.D. Cal. Jan. 24, 2024)
- *Jones v. Community Redev. Agency*, 733 F.2d 646, 649 (9th Cir. 1984)
- *McHenry v. Renne*, 84 F.3d 1172, 1178-80 (9th Cir. 1996)
- *Murphy v. Travelers Insurance Company*, No. 24-cv-2589-TLN-CSK (PS) (E.D. Cal. 2024)
- *Murphy v. Federal Express Corp.*, No. 2:21-cv-00142-KJM-KJN (PS) (E.D. Cal. Jan. 28, 2021)
- *Cato v. United States*, 70 F.3d 1103, 1105-06 (9th Cir. 1995)
- *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998)
- *Martinez v. Yist*, 951 F.2d 1153, 1156-57 (9th Cir. 1991)

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