

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Singh v. Smith

Singh v. Smith · No. 2:24-cv-02392-DC-SCR · Decided May 15, 2025

SUMMARY

The magistrate judge recommends granting Raghvendra Singh’s application to proceed in forma pauperis but dismissing his complaint without prejudice. The court concludes that the complaint does not establish subject matter jurisdiction because it fails to establish complete diversity or identify a viable federal question, and any challenge to the bankruptcy proceedings appears untimely. The findings and recommendations advise that objections may be filed within 14 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 15, 2025
DOCKET	2:24-cv-02392-DC-SCR
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se plaintiff moved to proceed in forma pauperis and filed a civil action challenging the taking and liquidation of property allegedly included in his wife's bankruptcy estate. The magistrate judge granted the in forma pauperis application and recommended dismissal without prejudice after screening the complaint for subject matter jurisdiction.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915(e)(2), including whether the complaint is frivolous, fails to state a claim, or seeks relief from an immune defendant; review of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1). Factual allegations are accepted as true and construed in the plaintiff's favor, but conclusory allegations and unwarranted inferences need not be accepted.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- subject matter jurisdiction
- bankruptcy
- pleadings
- civil procedure
- appellate procedure

PRACTICE AREAS

civil procedure

bankruptcy

federal jurisdiction

pro se litigation

QUESTIONS PRESENTED

1. Whether Singh qualified to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1).
2. Whether the complaint established diversity jurisdiction under 28 U.S.C. § 1332(a).
3. Whether the complaint established federal question or bankruptcy appellate jurisdiction over challenges to the inclusion and liquidation of Singh's property in his wife's bankruptcy estate.
4. Whether dismissal without prejudice was appropriate because the complaint failed to establish subject matter jurisdiction and the defect could not be cured by amendment.

HOLDINGS

1. Singh demonstrated that he lacked the resources to pay the filing fee, so the application to proceed in forma pauperis should be granted.
2. The complaint failed to establish diversity jurisdiction because Singh alleged that he was a California citizen but did not establish that none of the defendants were also California citizens.
3. The complaint failed to establish federal question jurisdiction, and any challenge to the bankruptcy judgment or order concerning Singh's property was untimely because it was filed more than fourteen days after the alleged 2023 bankruptcy disposition.
4. The action should be dismissed without prejudice because the pleadings failed to articulate a claim within the court's subject matter jurisdiction and the allegations did not suggest that additional facts could cure the defect.

KEY QUOTATIONS

“Accordingly, the Court concludes that the pleadings fail to articulate a claim over which this court has subject matter jurisdiction. Nor do the allegations suggest that additional facts can cure this defect.” (at 4)

FACTUAL BACKGROUND

Singh alleged that his wife, Kiran Rawat, filed for bankruptcy in 2021 and that bankruptcy-related defendants included Singh's property in Rawat's bankruptcy estate. He alleged that a bankruptcy trustee and others sold property to third parties in 2023 despite his claims that the property was his separate property or held by the Krishna Loving Trust. He further alleged that related litigation and liens resulted in the sale of additional property and the retention of his personal property. Singh sought \$100 million in compensatory and punitive damages, return of his property, and attorney's fees.

PROCEDURAL HISTORY

Singh filed the action on September 4, 2024, together with an application to proceed in forma pauperis. The matter was referred to Magistrate Judge Sean C. Riordan, who found that Singh lacked resources to pay the filing fee but that the complaint failed to establish subject matter jurisdiction. The magistrate judge issued

findings and recommendations recommending dismissal without prejudice, subject to the plaintiff's right to object within fourteen days and final review by the assigned district judge.

DISPOSITION

dismissed

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 325 (1989)
- Neitzke v. Williams, 490 U.S. 319, 327 (1989)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Western Mining Council v. Watt, 643 F.2d 618, 624 (9th Cir.)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Akhtar v. Mesa, 698 F.3d 1202, 1213 (9th Cir.)
- Favila v. Katten Muchin Rosenman LLP, 188 Cal. App. 4th 189, 209 (Cal. Ct. App.)
- Klotz v. Milbank, Tweed, Hadley and McCloy, 238 Cal. App. 4th 1339 (Cal. Ct. App.)
- Burtscher v. Burtscher, 26 Cal. App. 4th 720, 727 (Cal. Ct. App.)
- Cent. W.Va. Energy Co., Inc. v. Mountain State Carbon, LLC, 636 F.3d 101, 103 (4th Cir.)
- Caterpillar, Inc. v. Lewis, 519 U.S. 61, 68 (1996)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir.)

OPINION

(PS) Singh v. Smith

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 RAGHVENDRA SINGH, No. 2:24-cv-02392-DC-SCR

12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 SUSAN K. SMITH et al, 15 Defendants. 16 17 Plaintiff is proceeding pro se in this action, which was accordingly referred to the 18 undersigned. ECF No. 1. Plaintiff has filed a motion for leave to proceed in forma pauperis 19 (“IFP”) and submitted the affidavit required by that statute. ECF No. 2; see 28 U.S.C. § 20 1915(a)(1). 21 The motion to proceed IFP, ECF No. 2, will be

granted. Upon screening the Complaint, 22 however, the Court finds Plaintiff failed to state a claim over which this Court has jurisdiction. 23 As explained below, the Complaint should be dismissed without leave to amend.

24 I. LEGAL STANDARD

25 A court may authorize a person to proceed in an action without prepayment of fees if that 26 person “submits an affidavit that includes a statement of all assets...that the person is unable to 27 pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1). The federal IFP statute, 28 however, requires federal courts to dismiss such a case if the action is legally “frivolous or 1 malicious,” fails to state a claim upon which relief may be granted or seeks monetary relief from 2 a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). In reviewing the 3 complaint, the Court is guided by the requirements of the Federal Rules of Civil Procedure. The 4 Federal Rules of Civil Procedure are available online at www.uscourts.gov/rules-policies/current-5-rules-practice-procedure/federal-rules-civil-procedure. 6 Under the Federal Rules of Civil Procedure, the complaint must contain (1) a “short and 7 plain statement” of the basis for federal jurisdiction (that is, the reason the case is filed in this 8 court, rather than in a state court), (2) a short and plain statement showing that plaintiff is entitled 9 to relief (that is, who harmed the plaintiff, and in what way), and (3) a demand for the relief 10 sought. Fed. R. Civ. P. 8(a). Plaintiff’s claims must be set forth simply, concisely and directly. 11 Fed. R. Civ. P. 8(d)(1). Forms are available to help pro se plaintiffs organize their complaint in 12 the proper way. They are available at the Clerk’s Office, 501 I Street, 4th Floor (Rm. 4-200), 13 Sacramento, CA 95814, or online at www.uscourts.gov/forms/pro-se-forms. 14 A claim is legally frivolous when it lacks an arguable basis either in law or in fact. 15 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). In reviewing a complaint under this standard, the 16 court will (1) accept as true all the factual allegations contained in the complaint, unless they are 17 clearly baseless or fanciful; (2) construe those allegations in the light most favorable to the 18 plaintiff; and (3) resolve all doubts in the plaintiff’s favor. See *Neitzke*, 490 U.S. at 327. 19 The court applies the same rules of construction in determining whether the complaint 20 states a claim on which relief can be granted. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (court 21 must accept the allegations as true); *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974) (court must 22 construe the complaint in the light most favorable to the plaintiff). Pro se pleadings are held to a 23 less stringent standard than those drafted by lawyers. *Haines v. Kerner*, 404 U.S. 519, 520 24 (1972). However, the court need not accept as true conclusory allegations, unreasonable 25 inferences, or unwarranted deductions of fact. *Western Mining Council v. Watt*, 643 F.2d 618, 26 624 (9th Cir. 1981). A formulaic recitation of the elements of a cause of action does not suffice 27 to state a claim. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-57 (2007); *Ashcroft v. Iqbal*, 28 556 U.S. 662, 678 (2009). 1 To state a claim on which relief may be granted, the plaintiff must allege enough facts “to 2 state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A claim has 3 facial plausibility when the plaintiff pleads factual content that allows the court to draw the 4 reasonable inference that the

defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 567. A pro se litigant is entitled to notice of the deficiencies in the complaint and an opportunity to amend, unless the complaint’s deficiencies could not be cured by amendment. See *Akhtar v. Mesa*, 698 F.3d 1202, 1213 (9th Cir. 2012).

8 II. COMPLAINT AND MOTION

9 Plaintiff brings this action to challenge the taking of his property pursuant to bankruptcy 10 proceedings. ECF No. 1 at 1-2. Plaintiff names as Defendants Susan Smith, J. Russell 11 Cunningham, Chelsea and John Keady, Carole Pope, Gerard F. Keena II, Byron Z. Moldo, 12 Gabriel Liberman, and Sonia Singh. Id. at 1. 13 The Complaint alleges that Plaintiff’s wife Kiran Rawat filed for bankruptcy in 2021. Id. 14 Plaintiff alleges that Defendant Smith as bankruptcy trustee, and Cunningham as her attorney, 15 sold Singh’s property to the Keadys in 2023. Id. Singh had purportedly objected to sale of such 16 property because, inter alia, it was Singh’s separate property, Rawat had no interest therein, and 17 the Krishna Loving Trust held title to the property. Id. Liberman, Rawat’s bankruptcy attorney, 18 had improperly listed Singh’s income and property as part of Rawat’s estate. Id. at 2. 19 The Complaint further alleges that although bankruptcy imposes a stay on litigation 20 involving all related property and prohibits the filing of additional suits, the Keadys then sued 21 Plaintiff and the Krishna Loving Trust for possession of the trust’s interests. Id. at 1. Pope 22 represented the Keadys in that action. Id. Meanwhile, Defendants Keena, Moldo, and Sonia 23 Singh did not stay a pending lawsuit against Rawat. Id. This lawsuit led to the sale of some of 24 Plaintiff’s property without notice to him. Id. 25 Plaintiff alleges that the improperly sold property was secured via liens by the Internal 26 Revenue Service (“IRS”), who failed to notify Singh or honor his preexisting liens on the 27 properties in the process. Id. at 2. The Complaint further alleges that Defendants did not return 28 to Plaintiff his personal property that he kept at the properties subject to these liens. Id. 1 Although some Defendants are named solely in their capacity as attorneys of other 2 Defendants, Plaintiff argues that these Defendants had an independent duty to not defraud him in 3 any transactions involving their clients. Id. at 1-2 (citing *Favila v. Katten Muchin Rosenman 4 LLP*, 188 Cal.App.4th 189, 209 (Cal. Ct. App. 2010); *Klotz v. Milbank, Tweed, Hadley and 5 McCloy*, 238 Cal.App.4th 1339 (Cal. Ct. App. 2015); *Burtscher v. Burtscher*, 26 Cal.App.4th 720, 6727 (Cal. Ct. App. 1994)). 7 Plaintiff seeks compensatory and punitive damages totaling \$100,000,000, the return of 8 his property, and attorney’s fees. ECF No. 1 at 3. 9 Plaintiff’s IFP application asserts he has no wages or other source of income, no money in 10 savings or checking accounts, no tangible assets, no dependents to support, and no recurring 11 monthly expenses. ECF No. 2 at 1-2. Plaintiff further writes that he is “homeless, disable[d] and 12 old” and has “millions in debts.” Id.

13 III. ANALYSIS

14 Plaintiff’s IFP application asserts he has no income or assets with which he could pay 15 filing fees for this action. See generally IFP No. 2. This corresponds to his Complaint’s 16 allegation that all his prior assets were improperly listed as part of his wife Rawat’s assets during 17 her

bankruptcy proceedings. IFP No. 1 at 1-2. Plaintiff has demonstrated that he currently does not have the resources to pay filing fees in this action. See 28 U.S.C. § 1915(a)(1). Leave to 19 proceed in forma pauperis is granted. 20 However, the Complaint fails to establish that the Court has subject matter jurisdiction 21 over this action. See Fed. R. Civ. P. 12(b)(1). Diversity jurisdiction under 28 U.S.C. § 1332(a) 22 requires complete diversity among parties, such that no plaintiff is a citizen of the same state as 23 any defendant. See *Cent. W.Va. Energy Co., Inc. v. Mountain State Carbon, LLC*, 636 F.3d 101, 24 103 (4th Cir.2011) (citing *Caterpillar, Inc. v. Lewis*, 519 U.S. 61, 68 (1996)). Plaintiff, a citizen 25 of California, fails to establish that none of the listed Defendants are citizens of California. See 26 ECF No. 1 at 1. 27 As to federal question jurisdiction, the Complaint does not specify the statutory basis for 28 any cause of action. It asserts that Defendants acquired Plaintiff's property through Rawat's 1 bankruptcy proceedings when such property should not have been included in the bankruptcy 2 estate. ECF No. 1 at 1-2. This implies that Plaintiff may be challenging a bankruptcy judgment 3 that resulted in liquidation and foreclosure of his property. District courts do have jurisdiction to 4 review final judgments, orders, and decrees from bankruptcy proceedings. 28 U.S.C. § 158(a). 5 However, any such appeal must be filed with the bankruptcy clerk within 14 days of such 6 judgment, order, or decree. Fed. R. Bankr. P. 8002(a)(1). The alleged facts imply that Rawat's 7 bankruptcy proceedings concluded some time in 2023. ECF No. 1 at 1. To the extent that this 8 Complaint, filed in September 2024, appeals or challenges the inclusion of Plaintiff's property in 9 Rawat's estate, it is untimely. 10 Accordingly, the Court concludes that the pleadings fail to articulate a claim over which 11 this court has subject matter jurisdiction. Nor do the allegations suggest that additional facts can 12 cure this defect. The Court recommends that the action be dismissed without prejudice.

13 IV. PRO SE PLAINTIFF SUMMARY

14 The magistrate judge is recommending that your motion to proceed in forma pauperis, 15 without paying the requisite filing fees, be granted. Upon screening your Complaint, however, 16 the undersigned finds that it is factually deficient and should be dismissed without prejudice. 17 You can object to this recommendation in writing within 14 days. The District Judge will 18 consider your objections and make a final decision.

19 V. CONCLUSION

20 Accordingly, IT IS HEREBY RECOMMENDED that: 21 1. Plaintiff's application to proceed IFP (ECF No. 2) be GRANTED; 22 2. The action be DISMISSED WITHOUT PREJUDICE. 23 These findings and recommendations will be submitted to the United States District Judge 24 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days 25 after being served with these findings and recommendations, plaintiff may file written objections 26 with the court. The document should be captioned "Objections to Magistrate Judge's Findings 27 and Recommendations." The plaintiff is advised that failure to file objections within the specified 28 1 || time may result in waiver of the right to appeal the District Court's order. *Martinez v. Yist*, 951 2 || F.2d 1153 (9th Cir. 1991). 3 || DATED: May 14, 2025 ' Kink

> SEAN C. RIORDAN

6 UNITED STATES MAGISTRATE JUDGE

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