

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PRECEDENTIAL VALUE	nonprecedential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.)