

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

**Prince Paul Raymond Williams v. Professional Courier and
Newspaper Distribution, d/b/a Brandt Brothers, Inc., et al.**

Williams v. Professional Courier · No. 1:25-cv-00973-KES-HBK · Decided January 12, 2026

OPINION

Prince Paul Raymond Williams v. Professional Courier and Newspaper Distribution, d/b/a Brandt Brothers, Inc., et al.

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 PRINCE PAUL RAYMOND WILLIAMS, Case No. 1:25-cv-00973-KES-HBK 12 Plaintiff,
SECOND SCREENING ORDER 13 v. (Doc. No. 9)

14 PROFESSIONAL COURIER AND FEBRUARY 13, 2026 DEADLINE

NEWSPAPER DISTRIBUTION, d/b/a

15 Brandt Brothers, Inc., et al., 16 Defendants. 17 18 Pending before the court is Plaintiff's pro se
First Amended Complaint filed on August 19 29, 2025. (Doc. 9, "FAC"). Upon review, the Court
finds Plaintiff's FAC, like his initial 20 Complaint, violates Rule 8 of the Federal Rules of Civil
Procedure and thus fails to state a claim. 21 The Court will afford Plaintiff one final opportunity to
file an amended complaint before 22 recommending this case be dismissed.

23 SCREENING REQUIREMENT

24 Because Plaintiff is proceeding in forma pauperis, the Court may dismiss a case "at any 25
time" if the Court determines, inter alia, the action is frivolous or malicious, fails to state claim 26
on which relief can be granted, or seeks monetary relief against a defendant who is immune from
27 such relief. 28 U.S.C. § 1915(e)(2)(B)(ii) -(iii); see also Lopez v. Smith, 203 F. 3d 1122, 1129
9th

28 Cir. 2000) (section 1915(e) applies to all litigants proceeding in form pauperis). A complaint,
1 however, should not be dismissed unless it appears beyond doubt that the plaintiff can prove no
2 set of facts in support of his or her claim that would entitle him to relief. Johnson v. Knowles, 3
113 F.3d 1114, 1117 (9th Cir. 1997). A complaint must include a short and plain statement of the 4
claim showing that the pleader is entitled to relief. Fed. R. Civ. P. 8(a). Dismissal for failure to 5
state a claim in this context is governed by the same standard as dismissal under Federal Rule of 6
Civil Procedure 12(b)(6). Barren v. Harrington, 152 F. 3d 1193, 1194 (9th Cir. 1998). As such, 7 a
complaint must contain sufficient factual matter to state a claim to relief that is "plausible on its 8

face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). “A complaint is plausible on its face when it contains sufficient facts to support a reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* At this stage, the court accepts the facts stated in the complaint as true. *Hosp. Bldg. Co. v. Rex Hosp. Tr.*, 425 U.S. 738, 740 (1976). The Court does not accept as true allegations that are merely conclusory, unreasonable inferences, or unwarranted deductions. *Western Mining Council v. Watt*, 643 F.2d 618, 624 (9th Cir. 1981). Nor are legal conclusions considered facts. *Iqbal*, 556 U.S. at 678. 15 Because Plaintiff is pro se, the Court must liberally construe the complaint in the light 16 most favorable to him. *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1969); *Bernhardt v. L.A. 17 County*, 339 F.3d 920, 925 (9th Cir. 2003). If a pleading could be cured by the allegation of other 18 facts, a pro se litigant is entitled to an opportunity to amend a complaint before dismissal of the 19 action. See *Lopez v. Smith*, 203 F.3d 1122, 1127-29 (9th Cir. 2000) (en banc); *Lucas v. 20 Department of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995). However, it is not the role of the court to 21 advise a litigant on how to cure the defects. Such advice “would undermine district judges’ role 22 as impartial decisionmakers.” *Pliler v. Ford*, 542 U.S. 225, 231 (2004); see also *Lopez*, 203 F.3d 23 at 1131 n.13. 24 //// 25 //// 26 //// 27 //// 28 ////

1 SUMMARY OF THE OPERATIVE COMPLAINT

2 The FAC names the following as Defendants (1) Professional Courier and Newspaper 3 Distribution, d/b/a Brandt Brothers, Inc.; (2) Scott Wilcox; and (3) Nicholas Cole. (Doc. No. 9 at 4 5). Plaintiff was employed as a commercial driver for Professional Courier and Newspaper 5 Distribution for approximately two years. Plaintiff contends that: (1) from July 2023 through July 6 2025, Defendants garnished 25% of Plaintiff’s wages without a valid judicial order or pre- 7 deprivation hearing (*id.* at 6, 46-49); (2) Defendants reported these payroll withholdings as 8 “delinquent consumer debt” to credit agencies, damaging Plaintiff’s credit score and causing the 9 rescission of employment offers (*id.* at 6, 30); and (3) after Plaintiff disclosed a spinal injury to 10 Defendants and requested accommodations in July 2025 (*id.* at 34), Defendants terminated his 11 employment and reported the reason for his termination as “misconduct” to the employment 12 commission to block his benefits (*id.* at 34-35). 13 The FAC asserts 13 separate causes of action: (1) Federal Procedural Due Process; (2) 14 The Fair Credit Reporting Act; (3) Americans with Disabilities Act (“ADA”); (4) Trafficking 15 Victims Protection Reauthorization Act; (5) California Consumer Credit Reporting Agencies Act; 16 (6) California Labor Code (7) Conversation/Constructive Trust; (8) Defamation Per Se; (9) 17 Invasion of Privacy; (10) Negligence; (11) False Endorsement/Association; (12) Unfair 18 Competition Law; and (13) 42 U.S.C. ¶ 1985 - Conspiracy. (*Id.* at 1-2). 19 Plaintiff seeks various types of relief including monetary damages, declaratory relief, and 20 injunctive relief. (*Id.* at 154-160).

21 APPLICABLE LAW AND ANALYSIS

22 A. Federal Rule of Civil Procedure 8 23 On September 15, 2025, the Court screened Plaintiff’s initial Complaint. (Doc. No. 7, 24 “Screening Order”). The Court found it violated Federal Rule of Civil Procedure 8(a). 25 Specifically, the Court stated, “Plaintiff’s 47-page, 287-paragraph

Complaint is confusing, 26 contradictory, and repetitive, making it hard to ascertain what claims he raises based on what 27 facts.” (Id. at 14:13-14). The 14-page Screening Order further addressed Plaintiff’s federal 28 claims and advised Plaintiff of the Complaint’s pleading deficiencies. (Id. at 8-13). 1 Plaintiff’s FAC consists of 161 pages. Interspersed among the pages are various 2 screenshots and documents. The FAC does not contain sequentially numbered paragraphs. It 3 includes extraneous averments, including a preamble of acknowledgments, preemptive arguments 4 as to why certain doctrines or statutes do not bar Plaintiff’s claim, and why Defendants are not 5 entitled to summary judgment. The FAC is replete with redundancies, argument, citations to 6 various federal and state statutes, regulations and doctrines. 7 Plaintiff FAC continues to suffer from the same deficiencies as his initial complaint. It is 8 unnecessarily verbose, confusing, and replete with legal citations rather than simple facts. The 9 Court in its previous Screening Order directed Plaintiff that in filing his amended complaint he 10 must file a short and plain statement of his claims. (Doc. No. 7 at 7). Plaintiff has failed to do so.

11 Rule 8 states that “[e]ach allegation must be simple, concise, and direct.” Fed. R. Civ. P. 12 8(d)(1). When the factual elements of a cause of action are not organized into a short and plain 13 statement for each particular claim, a dismissal for failure to satisfy Rule 8(a) is appropriate. 14 *Sparling v. Hoffman Constr. Co.*, 864 F.2d 635, 640 (9th Cir. 1988); see also *Nevijel*, 651 F.2d at 15 674. Indeed, even if the factual elements of the cause of action are present, but are scattered 16 throughout the complaint and not organized into a “short and plain statement of the claim,” 17 dismissal for failure to satisfy Rule 8(a)(2) is proper. *McHenry v. Renne*, 84 F.3d 1172, 1178 (9th 18 Cir. 1996). Thus, “[t]he propriety of dismissal for failure to comply with Rule 8 does not depend

19 on whether the complaint is wholly without merit.” Id. at 1179. 20 Additionally, “a lengthy complaint can violate Rule 8 if a defendant would have difficulty 21 responding to the complaint.” *Skinner v. Lee*, 2021 WL 6617390, *2-*3 (C. D. Cal. May 20, 22 2021) (citing *Cafasso v. Gen. Dynamics C4 Sys., Inc.*, 637 F.3d 1047, 1059 (9th Cir. 2011)). 23 Allegations of facts that are extraneous and not part of the factual basis for the constitutional 24 claim are not permitted. See *Knapp v. Hogan*, 738 F.3d 1106, 1109 (9th Cir. 2013). 25 Although “verbosity or length is not by itself a basis for dismissing a complaint,” *Hearns v. 26 San Bernardino Police Dep’t*, 530 F.3d 1124, 1131 (9th Cir. 2008), a complaint cannot be without 27 limit. See *Hatch v. Reliance Ins. Co.*, 758 F.2d 409, 415 (9th Cir. 1985) (upholding a Rule 8(a) 28 dismissal of a complaint that “exceeded 70 pages in length, [and was] confusing and conclusory”) 1 To ensure compliance with Rule 8, courts of the Eastern District of California generally limit pro se 2 complaints to twenty-five pages. See *Lal v. United States*, 2022 WL 37019, at *2 (E.D. Cal. Jan. 3, 3 2022); *Williams v. Corcoran State Prison*, 2022 WL 1093976, at *1 (E.D. Cal. Apr. 12, 2022). 4 The inclusion of unnecessary exhibits is also grounds for dismissal. *WebQuest.com, Inc. 5 v. Hayward Industries, Inc.*, Case No. 1:10-cv-00306-OWW-JLT, 2010 WL 4630230 (E.D. Cal. 6 Nov. 8, 2010) (citing *Hatch v. Reliance Ins. Co.*, 758 F.2d 409, 415 (9th Cir. 1985) (finding the

7 district court did not abuse discretion in dismissing a complaint that included over 70 pages of 8 exhibits relying on Fed. R. Civ. P. 8). Although documentary evidence may be incorporated into 9 a pleading under Rule 10, exhibits containing largely evidentiary material typically do not fall 10 under Rule 10. *Id.* (citing *United States v. Ritchie*, 342 F.3d 903, 908 (9th Cir. 2003)). 11 Additionally, Rule 10 requires that each allegation be set out in a separate sequentially 12 numbered paragraph. Fed. R. Civ. P. 10(b). Accusing “defendants” generally of engaging in 13 certain conduct without particularizing which defendant committed the act is improper, as it fails 14 to give notice to each defendant. 15 Further, it is not the responsibility of this already overburdened Court “to scour through a 16 set of voluminous documents attached to [a] complaint and articulate a case for [the plaintiff].” 17 See *North v. Mirra*, Case No. C13-6090-BHS, 2014 WL 345303 * 2 (W.D. Wash. Jan. 30, 2014). 18 “Judges are not like pigs, hunting for truffles buried in briefs.” *Greenwood v. F.A.A.*, 28 F.3d 19 971, 977 (9th Cir. 1994) (quoting *United States v. Dunkel*, 927 F.2d 955 (7th Cir. 1991)). 20 Therefore, the Court will not undertake a detailed review of the entire 161-page FAC to 21 locate where Plaintiff may have stated a viable claim. Further, in its prior Screening Order, the 22 Court addressed the legal standard for many of the claims Plaintiff brings again. Plaintiff is 23 directed to comply with the standard of those claims in any subsequent complaint. 24 The Court in its prior screening order advised Plaintiff of the procedural pleadings 25 requirement and applicable law regarding his various claims and the Court will not repeat those 26 advisements herein. However, the FAC appears to include a failure to accommodate and 27 retaliation claim under the ADA. Because the Court did not previously apprise Plaintiff of the 28 applicable law governing this claim, the Court will do so below. 1 B. Americans with Disabilities Act 2 1. Failure to Accommodate 3 “The [Americans with Disabilities Act] treats the failure to provide a reasonable 4 accommodation as an act of discrimination if (1) the employee is a ‘qualified individual,’ (2) the 5 employer receives adequate notice, and (3) a reasonable accommodation is available that would 6 not place an undue hardship on the operation of the employer's business.” *Snapp v. United 7 Transportation Union*, 889 F.3d 1088, 1095 (9th Cir. 2018) (citing 42 U.S.C. § 12112(b)(5)(A)). 8 Once notified of the need for an accommodation, an employer must engage in an interactive 9 process, “through which the employer and employee can come to understand the employee's 10 abilities and limitations, the employer's needs for various positions, and a possible middle ground 11 for accommodating the employee.” *Snapp*, 889 F.3d at 1095. An employer that fails to engage in 12 the interactive process in good faith is liable for failure to provide a reasonable accommodation if 13 a reasonable accommodation would have been possible. *Id.* However, the failure to engage in 14 the interactive process itself is not a violation: it becomes a violation only if the employer fails to 15 provide a possible reasonable accommodation. *Id.* 16 2. Retaliation 17 To allege a retaliation under the ADA an individual must claim “(1) involvement in a 18 protected activity, (2) an adverse employment action, and (3) a causal link between the two.” 19 *Coons v. Sec'y of United States Dep't of Treasury*, 383 F.3d 879, 887 (9th Cir. 2004) (quoting 20 *Brown v. City of Tucson*,

336 F.3d 1181, 1187 (9th Cir. 2003)). An “adverse action” is one that 21 “is reasonably likely to deter the charging party or others from engaging in protected activity.” 22 Ray v. Henderson, 217 F.3d 1234, 1242–43 (9th Cir. 2000). Invoking your rights under the ADA 23 constitutes protected conduct, and retaliation can be inferred from the temporal proximity of the 24 adverse action and that protected activity. See Pardi v. Kaiser Found. Hosps., 389 F.3d 840, 850 25 (9th Cir. 2004).

26 OPTIONS

27 To continue the prosecution of this action, Plaintiff must take one of the following three 28 options no later than February 13, 2026. 1 First Option: Because the Court cannot determine that the filing of an amended 2 complaint cannot cure the deficiencies identified above, the Court will afford Plaintiff one final 3 opportunity to file a second amended complaint if he chooses. Fed. R. Civ. P. 15(a)(2); Lopez v. 4 Smith, 203 F.3d 1122, 1126-30 (9th Cir. 2000). An amended complaint supersedes (replaces) the 5 original complaint and, thus, the amended complaint must be free-standing and complete. Lacey 6 v. Maricopa County, 693 F.3d. 896, 907 n.1 (9th Cir. 2012) (en banc); E.D. Cal. Local Rule 220. 7 Each claim and the involvement of each defendant must be sufficiently alleged. The amended 8 complaint should be titled “Second Amended Complaint,” include the above case number, and be 9 an original signed and dated under penalty of perjury. Plaintiff may not change the nature of this 10 suit or add unrelated claims in his amended complaint. George v. Smith, 507 F.3d 605, 607 (7th

11 Cir. 2007) (no “buckshot” complaints). Plaintiff’s Second Amended Complaint must not 12 exceed twenty-five pages. Further the allegations must be set forth in sequentially 13 numbered short paragraphs. 14 Second Option: Plaintiff may file a Notice stating he intends to stand on his FAC subject 15 to the undersigned recommending the district court dismiss the Complaint for the reasons stated 16 in this Order. 17 Third Option: Because no defendant has yet been served, Plaintiff may file a Notice of 18 Voluntary Dismissal without prejudice under Federal Rule of Civil Procedure 41(a)(1). 19 Alternatively, if Plaintiff fails to timely respond to this Court Order, i.e., fails to perform 20 any of the three options, the undersigned will instead recommend that the district court dismiss 21 this case as a sanction for Plaintiff’s failure to comply with a court order and for failing to 22 prosecute this action. 23 Accordingly, it is ORDERED: 24 1. On or before February 12, 2026, Plaintiff must elect one of the three 25 aforementioned options: (a) File a “Second Amended Complaint” (not exceeding 25 pages); (b); 26 file a “Notice to Stand on Complaint” as screened subject to the undersigned recommending the 27 district court dismiss the Complaint for the reasons stated in this Order; (c) file a “Notice to 28 Voluntarily Dismiss Action” without prejudice under Fed. R. Civ. P. 41. 1 2. If Plaintiff fails to timely comply with this Court Order or seek an extension of 2 | time to comply, the Court will recommend the district court dismiss this action for Plaintiff's 3 | failure to comply with this Court Order and prosecute this action. 4 ° Dated: _ January 12, 2026 Kobo Zh. fare Hack

6 HELENA M. BARCH-KUCHTA

4 UNITED STATES MAGISTRATE JUDGE

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