

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Smith v. Akkinola, et al.

Smith · No. 1:25-cv-00418-KES-HBK · Decided April 22, 2025

SUMMARY

The United States District Court for the Eastern District of California screened a pro se plaintiff's in forma pauperis complaint under 28 U.S.C. § 1915(e)(2)(B). The court found that the complaint failed to establish federal subject matter jurisdiction, comply with Federal Rule of Civil Procedure 8, or state a cognizable claim. The plaintiff was given until May 23, 2025, to amend the complaint, stand on the existing complaint, or voluntarily dismiss the action.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 22, 2025
DOCKET	1:25-cv-00418-KES-HBK
DISPOSITION	other
PROCEDURAL POSTURE	The court screened Plaintiff's in forma pauperis complaint under 28 U.S.C. § 1915(e)(2)(B). The court found that the complaint failed to establish federal subject matter jurisdiction, failed to comply with Federal Rule of Civil Procedure 8, and failed to state a cognizable claim, but permitted Plaintiff to amend before any recommendation of dismissal.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), an in forma pauperis action may be dismissed at any time if it is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Failure to state a claim is evaluated under the same standard as Federal Rule of Civil Procedure 12(b)(6), accepting factual allegations as true but disregarding conclusory allegations and legal conclusions. Subject matter jurisdiction may be raised sua sponte at any time.
PRECEDENTIAL VALUE	Nonprecedential district court screening order

PARTIES

Candace Smith v. Mercy Ayodele Akkinola, Midland Financial, Triple A Insurance, Long John Silver Inc., Taco Bell, Department of Motor Vehicles, City of Fresno, City of Clovis, Dannette Nova

TOPICS

subject matter jurisdiction

pleadings

section 1983

eleventh amendment immunity

civil procedure

PRACTICE AREAS

civil procedure

civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether the complaint established federal-question or diversity subject matter jurisdiction.
2. Whether the complaint satisfied Federal Rule of Civil Procedure 8 and stated a plausible claim for relief.
3. Whether the complaint alleged the elements necessary for a claim under 42 U.S.C. § 1983, including state action and a causal connection between each defendant and the alleged constitutional injury.
4. Whether the complaint's apparent claims for monetary relief against the State of California, its agencies, or defendants in their official capacities would be barred by the Eleventh Amendment.
5. Whether Plaintiff should be given an opportunity to amend before dismissal.

HOLDINGS

1. The complaint failed to establish federal-question jurisdiction because it did not identify a federal claim arising under the Constitution, laws, or treaties of the United States.
2. The complaint failed to establish diversity jurisdiction because it did not allege the citizenship of the parties or demonstrate complete diversity.
3. The complaint failed to comply with Rule 8 and failed to state a plausible claim for relief because it did not provide a short and plain statement connecting each defendant to specific wrongdoing and supporting a legally cognizable claim.
4. To state a claim under 42 U.S.C. § 1983, Plaintiff must allege deprivation of a federal right by a person acting under color of state law and must connect each individual defendant's conduct to the alleged deprivation; a municipality is liable only for injury caused by its policy or custom.
5. The court was required to afford Plaintiff an opportunity to amend because it could not determine that the complaint's deficiencies could not be cured by amendment.
6. Claims for monetary damages against the State of California, its agencies, or defendants sued in their official capacities are barred by the Eleventh Amendment, subject to the recognized distinction for individual-capacity claims and prospective declaratory or injunctive relief.

KEY QUOTATIONS

“Upon review, the Court finds the Complaint does not set forth any basis for federal subject matter jurisdiction and fails to state a cognizable claim for relief.” (at 1)

“Federal courts are courts of limited jurisdiction.” (at 3)

“To establish § 1983 liability, a plaintiff must show both (1) deprivation of a right secured by the Constitution and laws of the United States, and (2) that the deprivation was committed by a person acting under color of state law.” (at 5)

FACTUAL BACKGROUND

Plaintiff alleged that several private entities and individuals conspired to steal or damage her vehicle, arrange a staged car crash, place drugs in her food, interfere with her vehicle's operation, and conceal vehicle information. She named private parties, the California Department of Motor Vehicles, the Cities of Fresno and Clovis, and an individual. Her complaint identified "Federal Question" jurisdiction, asserted fraud, theft, attempted murder, and a car-crash setup, and claimed \$5,000,000 in damages, but did not adequately identify a federal legal basis or the parties' citizenship.

PROCEDURAL HISTORY

Plaintiff filed a form complaint on April 10, 2025, and the court granted her application to proceed in forma pauperis. No defendant had been served. After screening, the magistrate judge ordered Plaintiff by May 23, 2025, to file an amended complaint, stand on the existing complaint subject to a recommendation of dismissal, or voluntarily dismiss without prejudice; failure to respond could result in a recommendation of dismissal for failure to comply and failure to prosecute.

DISPOSITION

other

CASES CITED

- *Lopez v. Smith*, 203 F.3d 1122, 1127-1129 (9th Cir. 2000) (en banc)
- *Johnson v. Knowles*, 113 F.3d 1114, 1117 (9th Cir.), cert. denied, 552 U.S. 996 (1997)
- *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 556, 570 (2007)
- *Hosp. Bldg. Co. v. Rex Hosp. Tr.*, 425 U.S. 738, 740 (1976)
- *Western Mining Council v. Watt*, 643 F.2d 618, 624 (9th Cir. 1981)
- *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1969)
- *Bernhardt v. L.A. County*, 339 F.3d 920, 925 (9th Cir. 2003)
- *Pliler v. Ford*, 542 U.S. 225, 231 (2004)
- *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377 (1994)
- *Emrich v. Touche Ross & Co.*, 846 F.2d 1190, 1194 n.2 (9th Cir. 1988)

- Caterpillar, Inc. v. Williams, 482 U.S. 386 (1987)
- Gully v. First National Bank, 299 U.S. 109, 112-113 (1936)
- Kantor v. Wellesley Galleries, Ltd., 704 F.2d 1088, 1090 (9th Cir. 1983)
- Kanter v. Warner-Lambert Co., 265 F.3d 853, 857 (9th Cir. 2001)
- Indus. Tectonics, Inc. v. Aero Alloy, 912 F.2d 1090, 1092 (9th Cir. 1990)
- Chudacoff v. Univ. Med. Ctr. of S. Nev., 649 F.3d 1143, 1149 (9th Cir. 2011)
- Manuel v. City of Joliet, Ill., 137 S. Ct. 911, 916 (2017)
- Hansen v. Black, 885 F.2d 642, 646 (9th Cir. 1989)
- Johnson v. Duffy, 588 F.2d 740, 743-744 (9th Cir. 1978)
- Monell v. Dep't of Soc. Servs. of City of New York, 436 U.S. 658, 690-691 (1978)
- Hyun Ju Park v. City & Cty. of Honolulu, 952 F.3d 1136, 1141 (9th Cir. 2020)
- Alabama v. Pugh, 438 U.S. 781, 782 (1978)
- Pennhurst State School & Hospital v. Halderman, 465 U.S. 89, 100 (1984)
- Kentucky v. Graham, 473 U.S. 159, 169 (1985)
- Lacey v. Maricopa County, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)

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