

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rodriguez v. Newsom

Rodriguez · No. 2:24-cv-02552-CKD (PS) · Decided March 12, 2025

SUMMARY

The Eastern District of California grants Armando Rodriguez’s application to proceed in forma pauperis. The court dismisses the complaint for failure to allege a federal claim or establish federal-question or diversity jurisdiction, but grants leave to amend within thirty days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 12, 2025
DOCKET	2:24-cv-02552-CKD (PS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff filed a civil action invoking 42 U.S.C. § 1983 and moved to proceed in forma pauperis. The court granted in forma pauperis status and dismissed the complaint for lack of subject matter jurisdiction, granting leave to amend.
STANDARD OF REVIEW	The court was required to dismiss the action whenever it determined that subject matter jurisdiction was lacking under Federal Rule of Civil Procedure 12(h)(3). Pro se pleadings were liberally construed, and dismissal without leave to amend was appropriate only if amendment would be futile.
PRECEDENTIAL VALUE	Nonprecedential district court order; precedential status is unknown in the source metadata.
PARTIES	Armando Rodriguez v. Gavin Newsom, California Department of Corrections and Rehabilitation

TOPICS

- subject matter jurisdiction
- section 1983
- pleadings
- civil procedure

PRACTICE AREAS

Civil procedure

Civil rights

Federal jurisdiction

Prisoner civil rights

QUESTIONS PRESENTED

1. Whether the plaintiff's application to proceed in forma pauperis satisfied the requirements of 28 U.S.C. § 1915.
2. Whether the complaint established federal-question or diversity subject matter jurisdiction.
3. Whether the complaint should be dismissed with leave to amend rather than without leave to amend.

HOLDINGS

1. Plaintiff's application to proceed in forma pauperis satisfied the requirements of 28 U.S.C. § 1915 and was granted.
2. The complaint failed to establish federal-question or diversity jurisdiction because it did not allege a specific federal cause of action or facts supporting a claim within the court's original jurisdiction, and diversity jurisdiction was unavailable where plaintiff and defendants were citizens of California.
3. The complaint was dismissed with leave to amend because it was not absolutely clear that the jurisdictional defect could not be cured by amendment.

KEY QUOTATIONS

"Plaintiff has neither alleged a specific cause of action nor provided any facts from which the court can infer a cause of action over which the court has original jurisdiction." (Order at 2)

"It appears that the court does not have federal question jurisdiction over this action, as plaintiff does not assert any federal claims against any defendant, and there is no diversity of citizenship jurisdiction because both plaintiff and defendants are citizens of California." (Order at 2)

FACTUAL BACKGROUND

Armando Rodriguez filed a pro se complaint naming Gavin Newsom and the California Department of Corrections and Rehabilitation as defendants. He asserted that the complaint was authorized by 42 U.S.C. § 1983, requested that California Senate Bill 132 and Penal Code section 2605 be amended or reviewed, and alleged that the action presented a federal question. The complaint did not identify a specific cause of action or facts supporting an original federal claim, and both plaintiff and defendants were alleged to be California citizens for purposes of diversity jurisdiction.

PROCEDURAL HISTORY

Plaintiff filed an original complaint and an application to proceed in forma pauperis. The magistrate judge granted the application, concluded that the complaint did not state a specific federal cause of action or facts establishing federal-question or diversity jurisdiction, dismissed the complaint with leave to amend, and allowed thirty days to file an amended complaint.

DISPOSITION

dismissed

CASES CITED

- *Hebbe v. Pliler*, 627 F.3d 338, 342 & n.7 (9th Cir. 2010)
- *Lopez v. Smith*, 203 F.3d 1122, 1130-31 (9th Cir. 2000) (en banc)
- *Cahill v. Liberty Mutual Insurance Co.*, 80 F.3d 336, 339 (9th Cir. 1996)
- *Harrison v. Kernan*, 971 F.3d 1069, 1073 (9th Cir. 2020)
- *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 89 (1998)
- *Grancare, LLC v. Thrower ex rel. Mills*, 889 F.3d 543, 549-50 (9th Cir. 2018)
- *Neitzke v. Williams*, 490 U.S. 319, 325, 327 (1989)
- *McDaniel v. Hinch*, No. 2:17-cv-02448-KJM-CKD (E.D. Cal. July 11, 2018)
- *Lucas v. Department of Corrections*, 66 F.3d 245, 248 (9th Cir. 1995)