

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Albert Bonds, Jr. v. John V. Diana, et al.

Bonds v. Diana · No. 2:25-cv-01635-DAD-SCR · Decided January 12, 2026

SUMMARY

The United States District Court for the Eastern District of California recommends dismissing Albert Bonds, Jr.'s First Amended Complaint for lack of jurisdiction and failure to state a claim. The court concludes that the action improperly seeks to remove or interfere with a state probate matter and fails to comply with Federal Rule of Civil Procedure 8. The court also recommends denying further leave to amend and directing the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan, United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 12, 2026
DOCKET	2:25-cv-01635-DAD-SCR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Findings and recommendations on screening of a pro se plaintiff's First Amended Complaint under 28 U.S.C. § 1915(e), recommending dismissal for lack of jurisdiction and failure to state a claim.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915(e)(2), including dismissal for lack of jurisdiction and failure to state a claim; pleadings must satisfy Federal Rule of Civil Procedure 8.
PRECEDENTIAL VALUE	Nonprecedential magistrate judge findings and recommendations; subject to district-judge review.
PARTIES	Albert Bonds, Jr. v. John V. Diana, et al.

TOPICS

- probate procedure
- probate
- subject matter jurisdiction
- pleadings
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the federal court had jurisdiction to adjudicate or interfere with the ongoing state probate matter and dispose of property in the custody of a state probate court.
2. Whether the First Amended Complaint stated a claim under Federal Rule of Civil Procedure 8 and survived screening under 28 U.S.C. § 1915(e).
3. Whether Plaintiff should receive further leave to amend after the prior opportunity to cure the pleading defects.

HOLDINGS

1. The federal court lacks jurisdiction over Plaintiff's attempt to remove or otherwise interfere with the ongoing state probate matter, including requests concerning disposition of property in the custody of the state probate court.
2. The First Amended Complaint fails to state a claim because it does not comply with Federal Rule of Civil Procedure 8 and does not provide a short and plain statement showing entitlement to relief.
3. Further leave to amend should be denied because Plaintiff had already been given an opportunity to amend and amendment would be futile.

KEY QUOTATIONS

“Thus, the probate exception reserves to state probate courts the probate or annulment of a will and the administration of a decedent’s estate; it also precludes federal courts from endeavoring to dispose of property that is in the custody of a state probate court. But it does not bar federal courts from adjudicating matters outside those confines and otherwise within federal jurisdiction.” (at 1)

FACTUAL BACKGROUND

Plaintiff sought to move or remove an ongoing state probate matter to federal court and asserted a conclusory due-process violation. He alleged that there was no valid contract to probate and requested attorney fees and a share of proceeds from the possible sale of a house. The First Amended Complaint did not provide a valid basis for federal jurisdiction or a short and plain statement showing entitlement to relief.

PROCEDURAL HISTORY

Plaintiff filed the action on June 13, 2025, asserting breach-of-contract and property-negligence claims and seeking to remove a state probate matter to federal court. After granting in forma pauperis status, the court screened the original complaint, found no adequate basis for federal jurisdiction and deficient pleading, and granted leave to amend. Plaintiff failed to amend within the initial period, but was later granted an extension and filed a First Amended Complaint on October 24, 2025. The magistrate judge recommends dismissal of the First Amended Complaint and the action, denial of further leave to amend as futile, entry of judgment, and closure of the case; the recommendation remains subject to district-judge review under 28 U.S.C. § 636(b)(1).

DISPOSITION

dismissed

CASES CITED

- Vickie Lynn Marshall v. E. Pierce Marshall, Marshall v. Marshall, 547 U.S. 293, 311-12 (2006)
- Goncalves By & Through Goncalves v. Rady Children's Hosp., 865 F.3d 1237, 1251 (9th Cir. 2017)
- L. v. L., No. 2:17-CV-00369 AC, 2017 WL 2972259, at *1 (E.D. Cal. July 12, 2017)
- Pellegrini v. Fresno Superior Ct., No. 15-CV-01564-LJO-EPG, 2015 WL 6167523, at *3 (E.D. Cal. Oct. 20, 2015)
- Akhtar v. Mesa, 698 F.3d 1202, 1212 (9th Cir. 2012)
- Chodos v. West Publishing Co., 292 F.3d 992, 1003 (9th Cir. 2002)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 ALBERT BONDS, Jr., No. 2:25-cv-01635-DAD-SCR 12 13 Plaintiff, 14
FINDINGS AND RECOMMENDATIONS v. 15 16 JOHN V. DIANA, et al., 17 Defendants. 18 19
Plaintiff is proceeding pro se and accordingly this matter is referred to the undersigned 20 pursuant
to Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).

Before the Court is Plaintiff's First 21 Amended Complaint ("FAC") (ECF No. 7). The Court has
screened the FAC pursuant to 28 22 U.S.C. § 1915(e) and recommends the action be dismissed for
lack of jurisdiction and failure to 23 state a claim. 24 I. Background and Procedural History 25
Plaintiff filed this action on June 13, 2025, alleging claims of "breach of contract" and 26
"property negligence." ECF No. 1 at 1.

Plaintiff also stated that he was requesting removal of a 27 state probate case to this Court. Id. at 2.
The Court granted Plaintiff's motion to proceed in 28 forma pauperis and screened the complaint
pursuant to 28 U.S.C. § 1915(e)(2). ECF No. 3.

The.1 Court found the complaint failed to plead a basis for federal jurisdiction and appeared to be
2 improperly attempting to remove the state probate matter to federal court. ECF No. 3 at 3-4. 3
Plaintiff was also informed he could not challenge the state court judgment in this Court and that 4
under the Rooker-Feldman doctrine this Court does not have jurisdiction to review a final state 5
court judgment.

Id. at 4. Plaintiff was also advised that his claims for breach of contract and 6 negligence were
inadequately pled. Id. at 4-5. Plaintiff was allowed leave to amend to allege a 7 proper basis for
jurisdiction and factual content in support of a plausible claim. Id. at 5. 8 The July 2, 2025
screening order allowed Plaintiff 30-days to file a FAC and he did not do 9 so.

Accordingly, on August 13, 2025, the Court issued Findings and Recommendations (“F&R”) 10 that the action be dismissed for the reasons stated in the screening order. ECF No. 4. Thereafter, 11 on August 25, 2025, Plaintiff requested a 60-day extension of time to file a FAC. ECF No. 5. 12 The Court granted the request, and on October 24, 2025, Plaintiff filed the FAC.

13 II. Analysis 14 Plaintiff’s FAC is three pages long, and suffers from the same defects as the original 15 complaint. Plaintiff asks to “move this probate matter to the eastern district” and makes a 16 conclusory assertion of a due process violation. ECF No. 7 at 1. Plaintiff alleges there is no valid 17 contract to proceed to probate. Id. at 2. Plaintiff appears to request that this Court order 18 Defendants to pay his attorney fees for the state court matter, and alleges they are \$50,000.

Id. at 19 3. Plaintiff states he will “accept selling the house” if he gets 51 percent, or at least \$200,000. Id. 20 Plaintiff is attempting to improperly remove a state probate matter to federal court. See 21 *Marshall v. Marshall*, 547 U.S. 293, 311-12 (2006) (“Thus, the probate exception reserves to 22 state probate courts the probate or annulment of a will and the administration of a decedent’s 23 estate; it also precludes federal courts from endeavoring to dispose of property that is in the 24 custody of a state probate court.

But it does not bar federal courts from adjudicating matters 25 outside those confines and otherwise within federal jurisdiction.”). The probate exception to 26 federal jurisdiction reserves probate matters to state probate courts and precludes federal courts 27 from disposing of property in the custody of a state court. See *Goncalves By & Through 28 Goncalves v. Rady Children’s Hosp.*, 865 F.3d 1237, 1251 (9th Cir.

2017). The United States.¹ Supreme Court has long recognized that the federal courts have no jurisdiction over probate 2 matters, and may not directly interfere with probate proceedings. *L. v. L.*, No. 2:17-CV-00369 3 AC, 2017 WL 2972259, at *1 (E.D. Cal. July 12, 2017); see also *Pellegrini v. Fresno Superior 4 Ct.*, No. 15-CV-01564-LJO-EPG, 2015 WL 6167523, at *3 (E.D.

Cal. Oct. 20, 2015) (probate 5 matters involving the disposition of assets “do not fall within the purview of federal 6 jurisdiction.”). It appears that Plaintiff intends to have this Court interfere with an ongoing 7 probate matter, and his pleading contains requests to settle the disposition of assets—such as the 8 statement that he will agree to sell the house if he gets 51%.

This Court lacks jurisdiction, and 9 recommends the action be dismissed. 10 Additionally, as with the original complaint and stated in the prior screening order (ECF 11 No. 3 at 4), Plaintiff’s FAC continues to fail to comply with Federal Rule of Civil Procedure 8. It 12 does not contain a “short and plain” statement showing Plaintiff’s entitlement to relief.

Pursuant 13 to its screening responsibility under 28 U.S.C. § 1915(e), the Court concludes the FAC fails to 14 state a claim. 15 III. Leave to Amend 16 The Court has considered Plaintiff’s pro se status and whether he should be granted leave 17 to amend. See *Akhtar v. Mesa*, 698 F.3d 1202,

1212 (9th Cir. 2012) (“[a] district court should not 18 dismiss a pro se complaint without leave to amend unless it is absolutely clear that the 19 deficiencies of the complaint could not be cured by amendment.”).

The Court has already 20 allowed Plaintiff an opportunity to amend and finds that further leave to amend would be futile. 21 The Court recommends denying further leave to amend. See *Chodos v. West Publishing Co.*, 292 22 F.3d 992, 1003 (9th Cir. 2002) (“when a district court has already granted a plaintiff leave to 23 amend, its discretion in deciding subsequent motions to amend is particularly broad”).

24 IV. CONCLUSION 25 IT IS HEREBY ORDERED that: 26 1. The previously issued Findings and Recommendations (ECF No. 4) are VACATED 27 because Plaintiff has filed a First Amended Complaint. 28 IT IS HEREBY RECOMMENDED that: 2 1. Plaintiff's First Amended Complaint and this action be dismissed for lack of 3 jurisdiction and failure to state a claim; and 4 2.

The Clerk be directed to enter judgment and close this file. 5 These findings and recommendations will be submitted to the United States District 6 | Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen 7 | days after being served with these findings and recommendations, either party may file written 8 || objections with the court.

The document should be captioned “Objections to Magistrate Judge's 9 | Findings and Recommendations.” The parties are advised that failure to file objections within the 10 | specified time may result in waiver of the right to appeal the district court’s order. *Martinez v. 11 | Yist*, 951 F.2d 1153 (9th Cir. 1991). 12 | Dated: January 12, 2026 SEAN C. RIORDAN 15 UNITED STATES MAGISTRATE JUDGE 16 17 18 19 20 21 22 23 24 25 26 27 28