

**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

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**OPINION**

Diana

PER CURIAM.

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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

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