

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Amin v. Momand

No. 2:24-cv-03557-TLN-SCR (E.D. Cal. Aug. 7, 2025) · No. No. 2:24-cv-03557-TLN-SCR · Decided August 7,
2025

SUMMARY

The document contains findings and recommendations by a United States magistrate judge on a motion to dismiss Najibulla Amin’s first amended complaint against Daman Momand and others. The court recommends granting the motion to dismiss for pleading deficiencies, while allowing Plaintiff 28 days to file a second amended complaint. The court addresses subject-matter jurisdiction, fraud pleading requirements, retaliation, unpaid wages, breach of contract, and potential tort claims.

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	August 7, 2025
DOCKET	No. 2:24-cv-03557-TLN-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on defendants' motion to dismiss a pro se plaintiff's first amended complaint for lack of subject matter jurisdiction, failure to state a claim, and, alternatively, a more definite statement.
STANDARD OF REVIEW	On a facial Rule 12(b)(1) challenge, the court accepts the jurisdictional allegations as true and draws reasonable inferences in the plaintiff's favor; dismissal is proper only when it appears to a legal certainty that the claim is for less than the jurisdictional amount. On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and construes them in the plaintiff's favor, but does not accept legal conclusions. Rule 12(e) applies when a pleading is so vague or ambiguous that the opposing party cannot reasonably prepare a response.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

motions to dismiss subject matter jurisdiction motion for a more definite statement breach of contract
civil procedure

PRACTICE AREAS

civil procedure employment law contracts tax torts

QUESTIONS PRESENTED

1. Whether the first amended complaint adequately alleged the amount-in-controversy requirement for diversity jurisdiction.
2. Whether the claim concerning allegedly inaccurate tax reporting stated a fraud claim with the particularity required by Federal Rule of Civil Procedure 9(b).
3. Whether the retaliation claim adequately identified a legal basis and pleaded the elements of a cognizable claim under the California Fair Employment and Housing Act.
4. Whether the unpaid-wages or breach-of-contract claim provided sufficient factual detail to state a claim or permit defendants to prepare a response.
5. Whether plaintiff should receive leave to amend.

HOLDINGS

1. The first amended complaint's allegation that the amount in controversy exceeded \$75,000, including backpay, tax consequences, emotional distress, and reputational harm, was not legally certain to fall below the jurisdictional threshold; the subject-matter-jurisdiction challenge should therefore not be granted on that ground.
2. To the extent the tax-reporting count asserted fraud, it failed to state a claim because it did not plead the circumstances of fraud with particularity or allege facts showing intentional misrepresentation and intent to defraud.
3. The retaliation count failed to state a claim because plaintiff did not identify the governing legal provision and did not adequately plead the elements of a FEHA retaliation claim.
4. The third count was impermissibly indefinite and failed to state sufficient factual matter because plaintiff did not identify the work performed, relevant time period, agreed compensation, or the factual basis for the alleged \$4,000 debt.
5. Leave to amend should be granted because plaintiff was proceeding pro se and the deficiencies were not shown to be incapable of cure by amendment.

KEY QUOTATIONS

“When a complaint is filed initially in federal court, as it was here, “the amount in controversy is determined from the face of the pleadings.”” (at 6)

“Dismissal can be based on the lack of a cognizable legal theory or the absence of sufficient facts alleged under a cognizable legal theory.” (at 8)

“a party must state the particularity of the circumstances constituting fraud” (at 8)

“in order to establish a prima facie case of retaliation under the FEHA, a plaintiff must show (1) he or she engaged in a “protected activity,” (2) the employer subjected the employee to an adverse employment action, and (3) a causal link existed between the protected activity and the employer's action.” (at 10)

“1) an economic relationship between the plaintiff and some third party, with the probability of future economic benefit to plaintiff; 2) the defendant’s knowledge of the relationship; 3) intentional acts on the part of the defendant designed to disrupt the relationship; 4) actual disruption of the relationship; and 5) economic harm to plaintiff proximately caused by defendant.” (at 14)

FACTUAL BACKGROUND

Plaintiff alleged that defendants withheld a final paycheck of approximately \$4,000, inaccurately reported his income on a Form 1099, and reported to the Federal Motor Carrier Safety Administration that he had refused a drug and alcohol test. He claimed that the report caused suspension of his commercial driver's license for three months and resulting lost wages. The first amended complaint asserted claims characterized as fraudulent tax reporting, retaliation and witness intimidation, and unpaid wages or breach of contract.

PROCEDURAL HISTORY

Plaintiff filed the original complaint on December 18, 2024, alleging diversity jurisdiction and approximately \$37,234 in damages. The court granted defendants' first motion to dismiss and permitted amendment. Plaintiff filed a first amended complaint on May 12, 2025. Defendants moved to dismiss, plaintiff did not oppose the motion, and the magistrate judge recommended granting the motion with leave to file a second amended complaint.

DISPOSITION

other

CASES CITED

- Safe Air for Everyone v. Meyer, 373 F.3d 1035, 1039 (9th Cir. 2004)
- Williams v. A&M Bros., LLC, 2023 WL 4747481 (E.D. Cal. July 25, 2023)
- N. Star Int'l v. Ariz. Corp. Comm'n, 720 F.2d 578, 581 (9th Cir. 1983)
- Balistreri v. Pacifica Police Department, 901 F.2d 696, 699 (9th Cir. 1990)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Walker v. Fred Meyer, Inc., 953 F.3d 1082, 1086 (9th Cir. 2020)
- Paulsen v. CNF, Inc., 559 F.3d 1061, 1071 (9th Cir. 2009)
- McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996)

- Geographic Expeditions, Inc. v. Estate of Lhotka, 599 F.3d 1102, 1106 (9th Cir. 2010)
- Chey v. Orbitz Worldwide, 983 F. Supp. 2d 1219, 1230 (D. Haw. 2013)
- Vess v. Ciba-Geigy Corp., 307 F.3d 1097, 1103-04 (9th Cir. 2002)
- United States ex rel. Cafasso v. General Dynamics, 637 F.3d 1047, 1055 (9th Cir. 2011)
- Lazar v. Superior Court, 12 Cal. 4th 631, 638 (1996)
- Yanowitz v. L'Oreal USA, Inc., 36 Cal. 4th 1028, 1042 (2005)
- Sada v. Robert F. Kennedy Medical Center, 56 Cal. App. 4th 138, 158-59 (1997)
- Walker v. City of Lakewood, 272 F.3d 1114, 1125 (9th Cir. 2001)
- Herron v. Feast and Fareway, LLC, 2023 WL 3488815, at *1, *6-*7 (Cal. Ct. App. 2023)
- Satvati v. Allstate Northbrook Indemnity Co., 634 F. Supp. 3d 792, 797 (C.D. Cal. 2022)
- Akhtar v. Mesa, 698 F.3d 1202, 1212 (9th Cir. 2012)
- Athena Feminine Technologies, Inc. v. Wilkes, 2011 WL 4079927, at *8 (N.D. Cal. Sept. 13, 2011)
- Sabow v. United States, 93 F.3d 1445, 1454 (9th Cir. 1996)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)