

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Alvarez v. Morris Shea Bridge Company

Alvarez · No. 1:24-cv-01487-KES-BAM · Decided June 5, 2025

SUMMARY

The United States District Court for the Eastern District of California screened Sergio Alvarez’s pro se, in forma pauperis complaint against Morris Shea Bridge Company. The court found that the complaint failed to satisfy Federal Rules of Civil Procedure 8 and 9, establish federal-question jurisdiction, or adequately plead a fraud claim, but granted leave to amend within thirty days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 5, 2025
DOCKET	1:24-cv-01487-KES-BAM
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a pro se, in forma pauperis complaint under 28 U.S.C. § 1915(e)(2), with leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court must screen a complaint filed by a person proceeding in forma pauperis and dismiss it if frivolous, malicious, insufficient to state a claim, or seeking monetary relief from an immune defendant. Pleading sufficiency was evaluated under Federal Rules of Civil Procedure 8 and 9(b), accepting factual allegations as true but disregarding legal conclusions.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

- pleadings subject matter jurisdiction fraud motion to amend civil procedure

PRACTICE AREAS

- civil procedure federal jurisdiction fraud

QUESTIONS PRESENTED

1. Whether the complaint satisfied Federal Rule of Civil Procedure 8's requirement of a short and plain statement showing entitlement to relief.
2. Whether Plaintiff's fraud allegations satisfied the particularity requirement of Federal Rule of Civil Procedure 9(b).
3. Whether the complaint established federal-question or diversity subject-matter jurisdiction.
4. Whether the complaint stated a cognizable claim for common-law fraud under California law.
5. Whether Plaintiff should be granted leave to amend.

HOLDINGS

1. The complaint failed to satisfy Federal Rule of Civil Procedure 8 because it did not clearly state what happened, when it happened, who was involved, or how Plaintiff was harmed.
2. Plaintiff's fraud claim failed to satisfy Federal Rule of Civil Procedure 9(b) because the complaint did not plead the circumstances of the alleged fraud with particularity.
3. The complaint did not establish federal-question jurisdiction, but liberally construed allegations adequately established diversity jurisdiction under 28 U.S.C. § 1332.
4. The complaint failed to state a cognizable California fraud claim because it did not adequately allege misrepresentation, falsity, knowledge, intent to defraud, justifiable reliance, and resulting damages.
5. A pro se plaintiff whose complaint is deficient should be given an opportunity to amend to cure the deficiencies when amendment may be undertaken in good faith.

KEY QUOTATIONS

“Rule 9(b) demands that, when averments of fraud are made, the circumstances constituting the alleged fraud be specific enough to give defendants notice of the particular misconduct.” (at 3)

“Federal courts are presumed to lack jurisdiction, ‘unless the contrary appears affirmatively from the record.’” (at 4)

“Plaintiff’s amended complaint must be “complete in itself without reference to the prior or superseded pleading.”” (at 6)

FACTUAL BACKGROUND

Plaintiff alleged that he wrote and signed a note to mail his check and that Defendant changed the words on the note. He sought \$100,000 for alleged fraud. The complaint did not specify what words were changed, when or how the change occurred, who made it, whether the altered statement was false, or how Plaintiff relied on it and suffered damages.

PROCEDURAL HISTORY

Plaintiff filed this civil action on December 6, 2024. The court initially recommended dismissal as duplicative of a then-pending appeal, but the Ninth Circuit dismissed that appeal and the findings and recommendations were

vacated. On screening, the court found that the complaint failed to comply with Rules 8 and 9, failed to state a cognizable fraud claim, and did not establish federal-question jurisdiction, although it adequately alleged diversity jurisdiction. The court granted Plaintiff thirty days to amend or voluntarily dismiss.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Vess v. Ciba-Geigy Corp. USA, 317 F.3d 1097, 1106 (9th Cir. 2003)
- Cooper v. Pickett, 137 F.3d 616, 627 (9th Cir. 1998)
- Kokkonen v. Guardian Life Insurance Co., 511 U.S. 375, 377 (1994)
- Casey v. Lewis, 4 F.3d 1516, 1519 (9th Cir. 1993)
- Bender v. Williamsport Area School District, 475 U.S. 534, 546 (1986)
- Morongo Band of Mission Indians v. California State Board of Equalization, 858 F.2d 1376, 1380 (9th Cir. 1988)
- Republican Party of Guam v. Gutierrez, 277 F.3d 1086, 1088-89 (9th Cir. 2002)
- Franchise Tax Board v. Construction Laborers Vacation Trust, 463 U.S. 1, 8-9 (1983)
- Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987)
- Grimes v. Mesa, No. 22-CV-1345 TWR (JLB), 2023 WL 2977725, at *4 (S.D. Cal. Apr. 17, 2023)
- Gil v. Bank of America, N.A., 138 Cal. App. 4th 1371, 1381 (2006)
- Feldman v. Allstate Insurance Co., 322 F.3d 660, 666 (9th Cir. 2003)
- Erie Railroad Co. v. Tompkins, 304 U.S. 64, 78 (1938)
- Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir. 2000)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Lacey v. Maricopa County, 693 F.3d 896, 927 (9th Cir. 2012)