

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Fletcher Legardy v. Sacramento City Council

Legardy · No. 2:24-cv-2353-TLN-CSK · Decided October 14, 2025

SUMMARY

The document contains findings and recommendations by a magistrate judge recommending dismissal of Fletcher Legardy’s complaint against the Sacramento City Council. The court concludes that the complaint lacks subject-matter jurisdiction and fails to state a cognizable claim, and that any potential Eighth Amendment claim would be barred by legislative immunity and the statute of limitations. The court recommends granting the motion to dismiss without leave to amend and closing the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 14, 2025
DOCKET	2:24-cv-2353-TLN-CSK
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the pro se complaint for failure to state a claim. The magistrate judge issued findings and recommendations recommending that the motion be granted and the action be dismissed without leave to amend.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and construes the complaint in the light most favorable to the nonmoving party, but need not accept conclusory allegations, unreasonable inferences, unwarranted factual deductions, or legal conclusions pleaded as facts. The court also construes pro se pleadings liberally. Subject-matter jurisdiction is reviewed as a threshold issue and may be considered sua sponte.
PRECEDENTIAL VALUE	unpublished and nonprecedential findings and recommendations; subject to district-judge review

TOPICS

motions to dismiss

subject matter jurisdiction

section 1983

statute of limitations

civil procedure

PRACTICE AREAS

civil procedure

constitutional law

civil rights

municipal law

QUESTIONS PRESENTED

1. Whether the federal court had subject-matter jurisdiction over Plaintiff's claims.
2. Whether the complaint stated a cognizable legal claim under Rule 12(b)(6).
3. Whether any potential claim based on Plaintiff's 1972 incarceration was barred by the statute of limitations and, if asserted against the City Council, by legislative immunity.
4. Whether Plaintiff should be granted leave to amend.

HOLDINGS

1. The complaint should be dismissed because it did not identify a federal question and diversity jurisdiction was unavailable where Plaintiff and Defendant were both California citizens.
2. The complaint should be dismissed under Rule 12(b)(6) because it failed to identify a cognizable legal theory or sufficient facts supporting a viable claim.
3. Any claim based on Plaintiff's 1972 incarceration would be time-barred because the complaint was filed in 2024, decades after accrual, even accounting for the applicable California incarceration tolling period.
4. Leave to amend should be denied because the court lacked subject-matter jurisdiction and amendment would be futile even if jurisdiction could be established.

KEY QUOTATIONS

"Subject-matter jurisdiction can never be waived or forfeited" (at 4)

"The Complaint does not, however, identify any federal question." (at 4)

"Consequently, the Complaint's deficiencies cannot be cured by amendment." (at 6)

FACTUAL BACKGROUND

Plaintiff alleged that he designed and personally financed construction of a Sacramento jail in 1972 and sought repayment of \$200 million. He also asked that construction of jail towers stop until repayment was made. The complaint described Plaintiff's incarceration-related experiences in 1972, but Plaintiff confirmed at the hearing that he was not asserting an Eighth Amendment claim. Plaintiff and the Sacramento City Council were both alleged to be California citizens.

PROCEDURAL HISTORY

Plaintiff filed the complaint and an in forma pauperis application on August 29, 2024. The application was denied without prejudice, Plaintiff paid the filing fee, and summons issued. After service-related proceedings, Defendant moved to dismiss on July 24, 2025; Plaintiff opposed, Defendant replied, and the court heard

argument on September 9, 2025. The magistrate judge recommended dismissal without leave to amend and closure of the case, subject to objections under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Faulkner v. ADT Security Services, 706 F.3d 1017, 1019 (9th Cir. 2013)
- Chambers v. Herrera, 78 F.4th 1100, 1104 (9th Cir. 2023)
- Garity v. APWU National Labor Organization, 828 F.3d 848, 854 (9th Cir. 2016)
- In re Cloudera, Inc., 121 F.4th 1180, 1190 (9th Cir. 2024)
- Broam v. Bogan, 320 F.3d 1023, 1026 n.2 (9th Cir. 2003)
- Mollett v. Netflix, Inc., 795 F.3d 1062, 1065 (9th Cir. 2015)
- Paulsen v. CNF Inc., 559 F.3d 1061, 1071 (9th Cir. 2009)
- Western Mining Council v. Watt, 643 F.2d 618, 624 (9th Cir. 1981)
- 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)
- Gonzalez v. Thaler, 565 U.S. 134, 141 (2012)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-557 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bogan v. Scott-Harris, 523 U.S. 44, 48-49 (1998)
- Johnson v. State of California, 207 F.3d 650, 654 (9th Cir. 2000)
- Jones v. Blanas, 393 F.3d 918, 927 (9th Cir. 2004)
- Thomas v. County of Humboldt, California, 124 F.4th 1179, 1191 (9th Cir. 2024)
- Lopez v. Smith, 203 F.3d 1122, 1126-1131 (9th Cir. 2000)
- Cato v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153, 1156-1157 (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 FLETCHER LEGARDY, Case No. 2:24-cv-2353-TLN-CSK 12 Plaintiff, 13
v. FINDINGS AND RECOMMENDATIONS GRANTING DEFENDANTS’ MOTION TO 14
SACRAMENTO CITY COUNCIL. DISMISS 15 Defendant. (ECF No. 14) 16 17 Pending before

the Court is Defendant Sacramento City Council's motion to 18 dismiss Plaintiff Fletcher Legardy's Complaint pursuant to Federal Rule of Civil 19 Procedure 12(b)(6) for failure to state a claim upon which relief can be granted¹.

(ECF 20 No. 14.) Plaintiff, who is proceeding without counsel, brings claims based on his 21 allegations that he designed and personally financed the construction of a new 22 Sacramento jail in 1972. The motion to dismiss is fully briefed and a hearing was held on 23 September 9, 2025. (ECF Nos. 14, 15, 16.) 24 For the reasons that follow, the Court RECOMMENDS GRANTING Defendant's 25 motion to dismiss.

26 / / / 27 1 This matter proceeds before the undersigned pursuant to 28 U.S.C. § 636, Fed. R. Civ. 28 P. 72, and Local Rule 302(c). 1 I. BACKGROUND 2 A. Factual Background² 3 In the Complaint, Plaintiff alleges that in 1972 he designed and personally 4 financed the construction of a new Sacramento jail. See Compl. at 7. According to 5 Plaintiff, this funding resulted in the construction of a new jail.

Id. Plaintiff alleges that in 6 February 2020, he submitted a letter at a Sacramento City Council meeting "about [his] 7 past." Id. He also alleges that in 2024, Camp Resolution demanded the city to stop 8 building towers at the Sacramento jail but the City refused. Id. According to Plaintiff, the 9 refusal was based on the City's position that the jail and City Hall had been financed with 10 private funds.

Id. Plaintiff alleges such funds were supplied by him. Id. at 4. Plaintiff now 11 seeks repayment of \$200 million and asks that construction of the jail towers be halted 12 until such repayment is made. Id. at 7. 13 In the Complaint, Plaintiff also recounts his personal experience with 14 incarceration, beginning in 1972. Compl. at 7. He describes being confined in an 15 overcrowded cell where all inmates were required to sleep on one side of the cell, while 16 the other side was used for showers and eating breakfast.

Id. Plaintiff further states that 17 morning headcounts and meals were sometimes delayed, which occasionally led to 18 fights among inmates. Id. 19 B. Procedural Background 20 Plaintiff filed his Compliant and motion to proceed in forma pauperis ("IFP") on 21 August 29, 2024 (ECF No. 1).

On March 28, 2025, the Court denied Plaintiff's IFP 22 request without prejudice subject to renewal (ECF No. 5). On April 18, 2025, Plaintiff 23 paid the filing fee and the Court issued summons (ECF No. 6). On May 23, 2025, the 24 Court issued an order denying Plaintiff's motion for an extension of time and advised 25 Plaintiff to complete service of the Complaint by July 17, 2025 (ECF No. 11).

On July 24, 26 27 2 These facts primarily derive from the Complaint (ECF No. 1), which is construed in the light most favorable to Plaintiff as the non-moving party. *Faulkner v. ADT Sec.*

Servs., 28 706 F.3d 1017, 1019 (9th Cir. 2013). 1 2025, Defendant filed its motion to dismiss (ECF No. 14).

On August 11, 2025, Plaintiff 2 filed his opposition (ECF No. 15). On August 21, 2025, Defendant filed its reply. On 3 September 9, 2025, the Court heard argument on the motion to dismiss. 4 II. LEGAL STANDARDS 5 A. Pro Se Pleadings, Construction and Amendment 6 Pro se pleadings are to be liberally construed and afforded the benefit of any 7 doubt. *Chambers v. Herrera*, 78 F.4th 1100, 1104 (9th Cir.

2023). Upon dismissal of any 8 claims, the court must tell a pro se plaintiff of a pleading's deficiencies and provide an 9 opportunity to cure such defects. *Garity v. APWU Nat'l Lab. Org.*, 828 F.3d 848, 854 (9th 10 Cir. 2016).

However, if amendment would be futile, no leave to amend need be given. In 11 *re Cloudera, Inc.*, 121 F.4th 1180, 1190 (9th Cir. 2024). Though the court may not 12 consider facts raised outside the complaint in its determination of a motion to dismiss, it 13 may consider such facts when deciding whether to grant leave to amend. *Broam v. 14 Bogan*, 320 F.3d 1023, 1026 n.2 (9th Cir.

2003). 15 B. Failure to State a Claim under Rule 12(b)(6) 16 A claim may be dismissed because of the plaintiff's "failure to state a claim upon 17 which relief can be granted." Fed. R. Civ. P. 12(b) (6). A complaint fails to state a claim if 18 it either lacks a cognizable legal theory or sufficient facts to support a cognizable legal 19 theory. *Mollett v. Netflix, Inc.*, 795 F.3d 1062, 1065 (9th Cir.

2015). When considering 20 whether a claim has been stated, the court must accept the well-pleaded factual 21 allegations as true and construe the complaint in the light most favorable to the non- 22 moving party. *Id.* However, the court is not required to accept as true conclusory factual 23 allegations contradicted by documents referenced in the complaint, or legal conclusions 24 merely because they are cast in the form of factual allegations.

Paulsen v. CNF Inc., 559 25 F.3d 1061, 1071 (9th Cir. 2009). Moreover, the court need not accept as true conclusory 26 allegation, unreasonable inferences, or unwarranted deductions of fact. *Western Mining 27 Council v. Watt*, 643 F.2d 618, 624 (9th Cir. 1981). 28 / / / 1 III. DISCUSSION 2 Defendant Sacramento City Council moves to dismiss the Complaint in its entirety 3 for failure to state a claim.

See Def. MTD. For the following reasons, Defendant's motion 4 to dismiss should be granted. 5 A. Subject Matter Jurisdiction 6 Federal courts are courts of limited jurisdiction and may hear only those cases 7 authorized by federal law. *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377 (1994). 8 Jurisdiction is a threshold inquiry, and "[f]ederal courts are presumed to lack jurisdiction, 9 'unless the contrary appears affirmatively from the record.'" *Casey v. Lewis*, 4 F.3d 1516, 10 1519 (9th Cir.

1993) (quoting *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 546 11 (1986)); see *Morongo Band of Mission Indians v. Cal. State Bd. of Equalization*, 858 F.2d 1376, 1380 (9th Cir. 1988). Without jurisdiction, the district court cannot decide the merits of a case or order any relief and must dismiss the case. See *Morongo*, 858 F.2d 14 at 1380. A federal court's jurisdiction may be established in one of two ways: actions arising under federal law or those between citizens of different states in which the alleged damages exceed \$75,000.

28 U.S.C. §§ 1331, 1332. "Subject-matter jurisdiction can never be waived or forfeited," and "courts are obligated to consider sua sponte" subject matter jurisdiction even when not raised by the parties. *Gonzalez v. Thaler*, 565 U.S. 134, 141 (2012). Here, Plaintiff seeks damages for funds he allegedly provided to Defendant for the design and construction of the Sacramento jail in 1972.

Compl. at 4. Plaintiff asserts federal question jurisdiction. *Id.* at 2. The Complaint does not, however, identify any federal question. See *id.* As discussed in more detail below, Plaintiff also confirmed at the hearing that he is not asserting an Eighth Amendment claim. Despite making allegations that meet the minimum amount in controversy required, diversity jurisdiction is not present where both Plaintiff and Defendant are citizens of California.

See 28 U.S.C. § 1332(a)(1); Compl. The Court therefore lacks subject matter jurisdiction over the Complaint. 1 B. Failure to State a Claim 2 It is difficult to discern any cognizable legal theory or viable claim in the Complaint 3 for which relief can be granted. See Compl.; *Bell Atlantic Corp. v. Twombly*, 550 U.S. 4 544, 555-557 (2007) (requiring "enough facts to state a claim to relief that is plausible on its face"); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

Therefore, the Complaint should be dismissed for failure to state a claim. 7 In an abundance of caution, Defendant notes that Plaintiff may be attempting to 8 assert a constitutional claim under the Eighth Amendment relating to alleged unsafe 9 conditions during his incarceration in 1972. See Def. MTD at 3.

The Complaint does not 10 appear to allege such a claim, and Plaintiff confirmed at the hearing that he is not 11 alleging a violation of his Eighth Amendment rights. The Court further notes that even if 12 such a claim was being asserted, such a claim against Defendant Sacramento City 13 Council should be dismissed for failure to state a claim because the Complaint contains 14 no specific allegations as to Defendant's connection to or involvement in jail operations.

15 See Compl. To the extent Plaintiff seeks to impose liability based on Defendant's 16 legislative actions or policymaking authority relating to the jail, such claims are barred by 17 legislative immunity. See *Bogan v. Scott-Harris*, 523 U.S. 44, 48 (1998) (holding that 18 local legislators, such as city councils, are absolutely immune from liability under § 1983 19 in their legislative capacities.").

Id. at 49. Because the Complaint does not allege any 20 facts showing direct involvement by Defendant Sacramento City Council in jail 21 operations or identify any non-legislative conduct, dismissal under Rule 12(b)(6) is 22 warranted.

In addition, such a claim based on Plaintiff's allegation of his incarceration in 23 1972 is also time-barred where Plaintiff filed the Complaint in August 2024, decades 24 after the claim's accrual. See Cal. Civ. Proc. Code § 352.1(a); *Johnson v. State of Cal.*, 25 207 F.3d 650, 654 (9th Cir. 2000) (statute of limitations for 42 U.S.C. § 1983 claims 26 arising prior to 2003 is one-year, subject to a maximum two-year tolling for incarceration 27 under California law); see also *Jones v. Blanas*, 393 F.3d 918, 927 (9th Cir.

2004) ("the 28 claim accrues when the plaintiff 'knows or has reason to know of the injury which is the 1 basis of the action.'"). Accordingly, dismissal under Rule 12(b)(6) is also proper because 2 the untimeliness of the claim is apparent on the face of the complaint. *Thomas v. County 3 of Humbolt, California*, 124 F.4th 1179, 1191 (9th Cir. 2024). 4 C. Leave to Amend 5 If the court finds that a complaint should be dismissed for failure to state a claim, it 6 has discretion to dismiss with or without leave to amend.

Lopez v. Smith, 203 F.3d 1122, 7 1126-30 (9th Cir. 2000). Leave to amend should be granted if it appears possible that 8 the defects in the complaint could be corrected, especially if a plaintiff is pro se. Id. at 9 1130-31. Leave to amend should not be granted if the deficiencies of the complaint 10 cannot be cured by amendment. *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir.

11 1995). 12 As described above, the Court lacks subject matter jurisdiction. Consequently, the 13 Complaint's deficiencies cannot be cured by amendment. Even if subject matter 14 jurisdiction was satisfied, amendment would be futile because Plaintiff fails to allege a 15 cognizable legal theory or claim.

Accordingly, the Complaint should be dismissed without 16 leave to amend. 17 IV. CONCLUSION 18 Accordingly, IT IS HEREBY RECOMMENDED that: 19 1. Defendant's motion to dismiss (ECF No. 14) be GRANTED; 20 2. Plaintiff's Complaint be DISMISSED without leave to amend; and 21 3.

The Clerk of Court be directed to CLOSE this case. 22 These findings and recommendations are submitted to the United States District 23 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 24 14 days after being served with these findings and recommendations, any party may file 25 written objections with the Court and serve a copy on all parties.

This document should 26 be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any 27 reply to the objections shall be served on all parties and filed with the Court within 14 28 days after service of the objections. Failure to file objections within the

specified time 1 may waive the right to appeal the District Court’s order. Turner v. Duncan, 158 F.3d 449, 2 | 455 (9th Cir.

1998); Martinez v. Yist, 951 F.2d 1153, 1156-57 (9th Cir. 1991). 3 4 | Dated: October 14, 2025 C
□□ \$ \U 5 CHI SOO KIM 6 UNITED STATES MAGISTRATE JUDGE 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27 28