

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Tamara King v. State of California

King v. State of California · No. 2:25-cv-1510-DJC-JDP (PS) · Decided June 5, 2025

OPINION

(PS) King v. State of California

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 TAMARA KING, Case No. 2:25-cv-1510-DJC-JDP (PS) 12 Plaintiff, 13 v. ORDER

14 STATE OF CALIFORNIA,

15 Defendant. 16

17 Plaintiff brings this action against the State of California. Her complaint fails to state a 18
claim and is therefore dismissed. I will give plaintiff leave to amend to file an amended 19
complaint that better explains the factual basis for her claims. I will also grant her application to
20 proceed in forma pauperis, ECF No. 2, which makes the showing required by 28 U.S.C. 21 §§
1915(a)(1) and (2). 22 Screening and Pleading Requirements 23 A federal court must screen the
complaint of any claimant seeking permission to proceed 24 in forma pauperis. See 28 U.S.C. §
1915(e). The court must identify any cognizable claims and 25 dismiss any portion of the
complaint that is frivolous or malicious, fails to state a claim upon 26 which relief may be granted,
or seeks monetary relief from a defendant who is immune from such 27 relief. *Id.* 28 1 A
complaint must contain a short and plain statement that plaintiff is entitled to relief, 2 Fed. R. Civ.
P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its 3 face,” *Bell*
Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007). The plausibility standard does not 4 require
detailed allegations, but legal conclusions do not suffice. See *Ashcroft v. Iqbal*, 556 U.S. 5 662,
678 (2009). If the allegations “do not permit the court to infer more than the mere 6 possibility of
misconduct,” the complaint states no claim. *Id.* at 679. The complaint need not 7 identify “a
precise legal theory.” *Kobold v. Good Samaritan Reg’l Med. Ctr.*, 832 F.3d 1024, 8 1038 (9th Cir.
2016). Instead, what plaintiff must state is a “claim”—a set of “allegations that 9 give rise to an
enforceable right to relief.” *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264 10 n.2 (9th Cir.
2006) (en banc) (citations omitted). 11 The court must construe a pro se litigant’s complaint
liberally. See *Haines v. Kerner*, 404 12 U.S. 519, 520 (1972) (per curiam). The court may dismiss
a pro se litigant’s complaint “if it 13 appears beyond doubt that the plaintiff can prove no set of
facts in support of his claim which 14 would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849

F.3d 1204, 1208 (9th Cir. 2017). 15 However, ““a liberal interpretation of a civil rights complaint may not supply essential elements 16 of the claim that were not initially pled.”” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 17 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 18 Analysis 19 Based on the complaint’s limited allegations, it is difficult to discern both the specific 20 claims plaintiff attempts to allege and the factual basis for those claims. Plaintiff states that she 21 has been denied housing, safety, food, and her right to work and to speak freely. ECF No. 1 at 5. 22 She does not, however, provide any allegations concerning the only named defendant, the State of 23 California, much less explain how defendant violated her rights. Simply put, the complaint’s 24 limited allegations are insufficient to put defendant and the court on notice of plaintiff’s claims 25 and the factual basis for such claims. See *Jones v. Cmty. Redev. Agency*, 733 F.2d 646, 649 (9th

26 Cir. 1984) (“The plaintiff must allege with at least some degree of particularity overt acts which

27 defendants engaged in that support the plaintiff’s claim.”). 28 1 Accordingly, plaintiff’s complaint is dismissed for failure to state a claim. I will allow 2 | plaintiff a chance to amend his complaint before recommending that this action be dismissed. 3 | Plaintiff should also take care to add specific factual allegations against defendant. If plaintiff 4 | decides to file an amended complaint, the amended complaint will supersede the current one. See 5 | *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc). This means that the 6 | amended complaint will need to be complete on its face without reference to the prior pleading. 7 | See E.D. Cal. Local Rule 220. Once an amended complaint is filed, the current one no longer 8 || serves any function. Therefore, in an amended complaint, as in the original, plaintiff will need to 9 || assert each claim and allege defendant’s involvement in sufficient detail. The amended complaint 10 | should be titled “First Amended Complaint” and refer to the appropriate case number. If plaintiff 11 | does not file an amended complaint, I will recommend that this action be dismissed. 12 Accordingly, it is hereby ORDERED that: 13 1. Plaintiff’s request for leave to proceed in forma pauperis, ECF No. 2, is GRANTED. 14 2. Plaintiff’s complaint, ECF No. 1, is DISMISSED with leave to amend. 15 3. Within thirty days from service of this order, plaintiff shall file either (1) an amended 16 | complaint or (2) notice of voluntary dismissal of this action without prejudice. 17 4. Failure to timely file either an amended complaint or notice of voluntary dismissal may 18 | result in the imposition of sanctions, including a recommendation that this action be dismissed 19 | with prejudice pursuant to Federal Rule of Civil Procedure 41(b). 20 5. The Clerk of Court shall send plaintiff a complaint form with this order. 21 IT IS SO ORDERED. 23 (q oy — Dated: _ June 5, 2025 ow——

24 JEREMY D. PETERSON

UNITED STATES MAGISTRATE JUDGE

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