

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Nordheim v. JP Morgan Chase Bank N.A.

No. 25-cv-04781-LB (N.D. Cal. July 11, 2025) · No. 25-cv-04781-LB · Decided July 11, 2025

SUMMARY

The United States District Court for the Northern District of California screened a pro se, in forma pauperis complaint alleging that JPMorgan Chase discriminated against the plaintiff based on disability and asylum status, improperly disclosed financial information, and caused related harm. The court found that the complaint was not frivolous but lacked sufficient facts supporting the asserted federal and state claims, including claims under 42 U.S.C. § 1981, the ADA, the FCRA, the GLBA, and California law. The court permitted the plaintiff to supplement the complaint by July 28, 2025, and denied the request to seal without prejudice.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Laurel Beeler
JURISDICTION	United States District Court for the Northern District of California
DECIDED	July 11, 2025
DOCKET	25-cv-04781-LB
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff proceeding in forma pauperis filed a complaint against Chase. Before service, the district court screened the complaint under 28 U.S.C. § 1915(e)(2)(B), identified deficiencies, denied the sealing request without prejudice, and allowed plaintiff to supplement the complaint.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss an in forma pauperis complaint that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Failure to state a claim is evaluated under a standard paralleling Federal Rule of Civil Procedure 12(b)(6): the complaint must contain sufficient factual matter to state a plausible claim, factual allegations are accepted as true and reasonable inferences are drawn in plaintiff's favor, and conclusory allegations and unreasonable inferences are not accepted.

	Pro se pleadings are construed liberally, and leave to amend is ordinarily granted unless amendment could not cure the defects.
PRECEDENTIAL VALUE	Unpublished district-court screening order; nonprecedential
PARTIES	Odin Nordheim v. JP Morgan Chase Bank N.A.

TOPICS

civil procedure subject matter jurisdiction ada / disability credit reporting consumer protection

PRACTICE AREAS

Civil procedure Civil rights Disability discrimination Consumer protection Credit reporting

QUESTIONS PRESENTED

1. Whether the complaint was frivolous or failed to state a legally cognizable claim under the in forma pauperis screening statute.
2. Whether the complaint plausibly alleged discrimination under 42 U.S.C. § 1981, Title III of the ADA, or the California Unruh Act.
3. Whether the complaint plausibly alleged wrongful financial-information disclosure under the Gramm-Leach-Bliley Act, the FCRA, or California law.
4. Whether the complaint stated a Fourteenth Amendment claim against a private bank absent government action.
5. Whether the complaint adequately alleged supplemental state-law claims, including defamation, intentional infliction of emotional distress, and unfair competition.
6. Whether plaintiff's request to seal documents satisfied the requirements of Civil Local Rule 79-5.

HOLDINGS

1. The complaint was not frivolous because it was not based on an inarguable legal conclusion or fanciful factual allegations, although it presently failed to allege facts supporting legally cognizable claims.
2. The complaint did not presently allege sufficient facts to support discrimination claims, including facts showing plaintiff's disability and asylum status and how Chase knew of those characteristics. The court recognized that § 1981 can prohibit discrimination based on alien status, but does not prohibit disability discrimination, and that Title III of the ADA can apply to banks.
3. The complaint did not adequately plead claims based on alleged disclosure of financial or credit information because plaintiff alleged only suspicions and no facts showing that Chase disclosed his information or credit information to other institutions.
4. The complaint did not state a Fourteenth Amendment claim because it alleged conduct by a private bank and did not allege government action.

5. The court lacked supplemental jurisdiction over the state claims if no federal claim remained, but addressed them because plaintiff likely could establish diversity jurisdiction. The state claims were inadequately pleaded, and the sealing request was denied without prejudice because plaintiff filed no documents requiring protection and made no sufficient showing under the local rule.

KEY QUOTATIONS

“The complaint is not frivolous.” (at 2)

“To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” (at 2)

“A person cannot “face disadvantage in the activities protected by § 1981 solely because of his or her alien status.”” (at 4)

“The Act does not contain a private right of action, but there are potential privacy claims under the California Financial Information Privacy Act” (at 5)

“There is no government action, a necessary predicate to a Fourteenth Amendment claim.” (at 6)

FACTUAL BACKGROUND

Nordheim alleged that Chase closed his bank account without notice after a teller questioned him publicly and a security guard approached him aggressively. Chase allegedly issued him a check for the account balance of \$77.56, refused to reopen the account, and may have shared information that caused other banks to reject his account applications. He attributed the alleged treatment and resulting emotional, financial, and reputational harm to his disability and asylum status and sought damages, costs, an apology, and injunctive relief.

PROCEDURAL HISTORY

Nordheim filed a complaint alleging disability and asylum-status discrimination, interference with contracting rights, financial-information disclosure, credit-reporting violations, constitutional violations, and related California claims. The court screened the complaint before directing the Marshal to serve Chase. Rather than dismissing immediately, the court ordered plaintiff to file a supplement with additional facts by July 28, 2025, warning that failure to do so could result in dismissal. The court also denied plaintiff's sealing request without prejudice.

DISPOSITION

other

CASES CITED

- Owen Equip. & Erection Co. v. Kroger, 437 U.S. 365, 374 (1978)
- Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987)
- Calhoun v. Stahl, 254 F.3d 845, 845 (9th Cir. 2001)
- Lopez v. Smith, 203 F.3d 1122, 1126-27, 1130 (9th Cir. 2000) (en banc)

- Peralta v. Dillard, 744 F.3d 1076 (9th Cir. 2014) (en banc)
- Barren v. Harrington, 152 F.3d 1193, 1194 (9th Cir. 1998)
- Neitzke v. Williams, 490 U.S. 319, 325, 327 (1989)
- Denton v. Hernandez, 504 U.S. 25, 31 (1992)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Van Buskirk v. Cable News Network, Inc., 284 F.3d 977, 980 (9th Cir. 2002)
- Cahill v. Liberty Mut. Ins. Co., 80 F.3d 336, 337-38 (9th Cir. 1996)
- Associated Gen. Contractors of Cal., Inc. v. Cal. State Council of Carpenters, 459 U.S. 519, 526 (1983)
- Sprewell v. Golden State Warriors, 266 F.3d 979, 988 (9th Cir. 2001)
- Hughes v. Rowe, 449 U.S. 5, 9 (1980)
- Hearn v. Terhune, 413 F.3d 1036, 1041, 1043 (9th Cir. 2005)
- Evans v. McKay, 869 F.2d 1341, 1344 (9th Cir. 1989)
- Sagana v. Tenorio, 384 F.3d 731, 738 (9th Cir. 2004)
- Gilstrap v. United Airlines, Inc., 709 F.3d 995, 1002 (9th Cir. 2013)
- Arizona ex rel. Goddard v. Harkins Amusement Enters., Inc., 603 F.3d 666, 670 (9th Cir. 2010)
- BGC, Inc. v. Bryant, No. 22-cv-04801-JSC, 2023 WL 4138287, at *2 (N.D. Cal. June 21, 2023)
- Park v. Wells Fargo Bank, No. C 12-2065 PJH, 2012 WL 3309694, at *4 (N.D. Cal. Aug. 13, 2012)
- Safeco Ins. Co. of Am. v. Burr, 551 U.S. 47, 52 (2007)
- Gorman v. Wolpoff & Abramson, LLP, 584 F.3d 1147, 1153-54 (9th Cir. 2009)
- Lugar v. Edmondson Oil Co., 457 U.S. 922, 924 (1982)
- Royal Canin U.S.A., Inc. v. Wulschleger, 604 U.S. 22, 43-44 (2025)
- Ramos v. U.S. Bank, N.A., No. 20-cv-01433-MMC, 2020 WL 3488022, at *1 (N.D. Cal. June 26, 2020)
- Taus v. Loftus, 40 Cal. 4th 683, 720 (2007)
- Kelley v. Conco Cos., 196 Cal. App. 4th 191, 215 (2011)
- Parducci v. Overland Sols., Inc., 399 F. Supp. 3d 969, 982 (N.D. Cal. 2019)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF
 CALIFORNIA 10 San Francisco Division 11 ODIN NORDHEIM, Case No. 25-cv-04781-LB 12
 Plaintiff, SCREENING ORDER 13 v. Re: ECF No. 1 14 JP MORGAN CHASE BANK N.A., 15
 Defendant. 16 17 INTRODUCTION AND STATEMENT 18 Plaintiff Odin Nordheim, who is
 proceeding pro se and in forma pauperis, sued defendant JP 19 Morgan Chase Bank, alleging
 discrimination based on his disability and asylum status and 20 financial-disclosure violations,
 with resulting harm to his emotional wellbeing and his credit 21 rating, generally because Chase
 closed his bank account and refused to reopen it.

When he tried to 22 deposit and withdraw funds from his Chase account, a Chase teller humiliated him by questioning 23 him publicly. A security guard approached him aggressively, which made him feel unsafe. Chase 24 then closed his account without notice, issued him a check for his account balance of \$77.56, and 25 did not respond to his requests for an apology or explanation.¹ The plaintiff can no longer access 26 27 1 1 banking services because Chase will not allow him to open a new account, and other banks have 2 rejected his attempts to open accounts, possibly because Chase shared his information with them.² 3 The plaintiff struggles to access services and participate in society, and he is vulnerable to further 4 hardship and risk based on his inability to access the financial system.³ 5 The plaintiff identifies two claims against Chase.

6 The first claim lists “42 U.S.C. § 1981; ADA (42 U.S.C. §§ 12101 et seq.), FCRA (15 U.S.C. 7 § 1681 et seq.), and GLBA (15 U.S.C. § 6801 et seq.),” and explains that (1) 42 U.S.C. § 1981 8 gives the plaintiff the same rights to contract and receive services as any other citizen, (2) the 9 ADA requires access to services for disabled people for public services, (3) the Fair Credit 10 Reporting Act (FCRA) and Graham-Leach-Bliley Act (GLBA) protect against wrongful sharing of 11 his financial information, (4) California’s Unfair Competition Law (UCL) and Unruh Act ban 12 discrimination by businesses, and (5) the Fourteenth Amendment protects equal access and due 13 process under law.⁴ 14 The second claim lists “42 U.S.C. § 1981; ADA (42 U.S.C. §§ 12101 et seq.); FCRA (15 U.S.C. 15 § 1681 et seq.), GLBA (15 U.S.C. § 6801 et seq.); UCL (Cal.

Bus. & Prof. Code § 17200); Unruh 16 Act (Cal. Civ. Code § 51); and 14th Amend[ment]” and explains that (1) the laws protect his rights 17 to access banking, receive equal treatment, and keep his financial data safe, (2) the teller questioned 18 him publicly, causing humiliation, (3) the security guard made him feel unsafe, and (4) Chase 19 closed his account, barred new accounts, and may have reported his negative record to other banks, 20 causing them to reject his attempts to open accounts.

As a result, his financial reputation and 21 creditworthiness suffered, he is anxious, overwhelmed, distressed, and humiliated, and he believes 22 the treatment — which effectively excluded him from the financial system — was due to his 23 disability and asylum status.⁵ 24 The plaintiff asks for \$10 million in damages, litigation costs, an apology, and an injunction 25 26 2 Id. at 4, 6.

3 Id. at 7. 27 4 Id. at 5. 1 against further discrimination or blacklisting, among other requests.⁶ 2 Before directing the United States Marshal to serve the defendant with the complaint, the court 3 must screen it for minimal legal viability. 28 U.S.C. § 1915(e)(2)(B).

The court issues this screening 4 order to give the plaintiff notice of the deficiencies in his lawsuit and an opportunity to cure them 5 by filing a supplement to his existing filing by July 28, 2025, or the court will recommend 6 dismissing the case.

The deficiency generally is that the plaintiff does not allege facts supporting 7 legally cognizable claims. 8 STANDARD OF REVIEW 9 1. Federal Jurisdiction 10 Federal courts are courts of limited jurisdiction. *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 11 365, 374 (1978). A plaintiff must show either federal-question jurisdiction or diversity jurisdiction.

12 *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987). Federal-question jurisdiction exists if a case 13 arises under the Constitution, laws, or treaties of the United States. 28 U.S.C. § 1331. Diversity 14 jurisdiction exists if the opposing parties are citizens of different states and the amount in controversy 15 exceeds \$75,000. *Id.* § 1332(a). 16 17 2.

IFP Review 18 Before a court can direct the U.S. Marshal to serve — under Fed. R. Civ. P. 4(c)(2) — the 19 complaint of a person proceeding in forma pauperis under 28 U.S.C. § 1915(a), the court must 20 determine whether the complaint is frivolous, malicious, fails to state a claim upon which relief may 21 be granted, or seeks monetary relief from a defendant who is immune from such relief.

28 U.S.C. § 22 1915(e)(2)(B); *Calhoun v. Stahl*, 254 F.3d 845, 845 (9th Cir. 2001); *Lopez v. Smith*, 203 F.3d 1122, 23 1126–27 (9th Cir. 2000) (en banc), overruled in part on other grounds by *Peralta v. Dillard*, 744 24 F.3d 1076 (9th Cir. 2014) (en banc). “The language of § 1915(e)(2)(B) (ii) parallels the language of 25 Federal Rule of Civil Procedure 12(b)(6).” *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir.

26 1998). The in forma pauperis statute “is designed largely to discourage the filing of, and waste of 27 1 judicial and private resources upon, baseless lawsuits that paying litigants generally do not initiate 2 because of the costs of bringing suit.” *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). 3 “Frivolousness” under § 1915(e) and failure to state a claim under Rule 12(b)(6) are distinct 4 concepts.

5 “A complaint... is frivolous where it lacks an arguable basis either in law or in fact.” *Denton v. Hernandez*, 504 U.S. 25, 31 (1992). The definition of frivolousness “embraces not only the 7 inarguable legal conclusion, but also the fanciful factual allegation.” *Neitzke*, 490 U.S. at 325.

The 8 complaint is not frivolous. 9 Under Rule 12(b)(6) and § 1915(e)(2)(B), a district court must dismiss a complaint if it fails to 10 state a claim upon which relief can be granted. Rule 8(a)(2) requires that a complaint include a 11 “short and plain statement” showing the plaintiff is entitled to relief. “To survive a motion to 12 dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to 13 relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (cleaned up); see 14 *Bell Atl.*

Corp. v. Twombly, 550 U.S. 544, 570 (2007). The complaint need not contain “detailed 15 factual allegations,” but the plaintiff must “provide the grounds of his entitlement to relief,” which 16

“requires more than labels and conclusions”; a mere “formulaic recitation of the elements of a 17 cause of action” is insufficient. *Twombly*, 550 U.S. at 555 (cleaned up).

18 In determining whether to dismiss a complaint under Rule 12(b)(6), the court is ordinarily 19 limited to the face of the complaint. *Van Buskirk v. Cable News Network, Inc.*, 284 F.3d 977, 980 20 (9th Cir. 2002). Factual allegations in the complaint must be taken as true and reasonable 21 inferences drawn from them must be construed in favor of the plaintiff.

Cahill v. Liberty Mut. Ins. 22 Co., 80 F.3d 336, 337–38 (9th Cir. 1996). The court cannot assume, however, that “the [plaintiff] 23 can prove facts that [he or she] has not alleged.” *Associated Gen. Contractors of Cal., Inc. v. Cal. 24 State Council of Carpenters*, 459 U.S. 519, 526 (1983). “Nor is the court required to accept as true 25 allegations that are merely conclusory, unwarranted deductions of fact, or unreasonable 26 inferences.” *Spewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir.

2001) (cleaned up). 27 Federal courts must construe pro se complaints liberally. *Hughes v. Rowe*, 449 U.S. 5, 9 1 provide defendants with fair notice of his claims and the grounds upon which they rest. *Hearns*, 2 413 F.3d at 1043. He need not plead specific legal theories so long as sufficient factual averments 3 show that he may be entitled to some relief. *Id.* at 1041.

4 When dismissing a case for failure to state a claim, the Ninth Circuit has “repeatedly held that 5 a district court should grant leave to amend even if no request to amend the pleading was made, 6 unless it determines that the pleading could not possibly be cured by the allegation of other facts.” 7 *Lopez*, 203 F.3d at 1130 (cleaned up). 8 ANALYSIS 9 The plaintiff cites federal and state statutes — summarized above — that can be divided into 10 several buckets: discrimination based on disability and asylum status, also resulting in an 11 interference with the plaintiff’s 42 U.S.C. § 1981 right to contract, wrongful disclosure of 12 financial information, and other state claims.

13 14 1. Discrimination Based on Asylum Status and Disability 15 Different statutes may allow the claims. 16 42 U.S.C. § 1981 prohibits racial discrimination through state and private action. *Evans v. 17 McKay*, 869 F.2d 1341, 1344 (9th Cir. 1989). A person cannot “face disadvantage in the activities 18 protected by § 1981 solely because of his or her alien status.” *Sagana v. Tenorio*, 384 F.3d 731, 738 19 (9th Cir.

2004) (does not prohibit disability discrimination). 20 Title III of the ADA prohibits discrimination based on disability in the full and equal enjoyment 21 of goods, services, facilities, privileges, advantages, or accommodations of an place of public 22 accommodation by a person who owns, leases, or operates a place of public accommodation. 42 23 U.S.C. § 12182(a); *Gilstrap v. United Airlines, Inc.*, 709 F.3d 995, 1002 (9th Cir.

2013). “[A] 24 plaintiff must show that (1) he is disabled within the meaning of the ADA; (2) the defendant is a 25 private entity that owns, leases, or operates a place of public accommodation;

and (3) the plaintiff 26 was denied public accommodations by the defendant because of his disability.” Arizona ex rel. 27 *Goddard v. Harkins Amusement Enters., Inc.*, 603 F.3d 666, 670 (9th Cir.

2010); see *Scott v.* 1 injunctive relief is available against banks under Title III of the ADA, where 42 U.S.C. § 2 12181(7)(f) defines public accommodations to include banks). 3 An ADA violation also is a violation of California’s Unruh Act. Cal. Civ. Code § 51(f). 4 The plaintiff must provide more information about his asylum status and his disability and how 5 Chase would have known about them.

6 7 2. Wrongful Financial-Disclosure Claims 8 First, the plaintiff claims a violation of the Gramm-Leach-Bliley Act by Chase’s disclosing his 9 financial information to other financial institutions. The Act does not contain a private right of 10 action, but there are potential privacy claims under the California Financial Information Privacy 11 Act, Cal. Fin.

Code § 4052.5. *BGC, Inc. v. Bryant*, No. 22-cv-04801-JSC, 2023 WL 4138287, at *2 12 (N.D. Cal. June 21, 2023). Section 4052.5 “prohibit[s] financial institutions from disclosing 13 nonpublic personal information with ‘nonaffiliated third parties.’” *Park v. Wells Fargo Bank*, No. C 14 12-2065 PJH, 2012 WL 3309694, at *4 (N.D. Cal. Aug. 13, 2012). 15 Second, the plaintiff claims a violation of the FCRA. “Congress enacted FCRA in 1970 to 16 ensure fair and accurate credit reporting, promote efficiency in the banking system, and protect 17 consumer privacy.” *Safeco Ins.*

Co. of Am. v. Burr, 551 U.S. 47, 52 (2007). To ensure credit 18 reports are accurate, the FCRA requires persons that provide credit information to consumer 19 reporting agencies to do so accurately. *Gorman v. Wolpoff & Abramson, LLP*, 584 F.3d 1147, 20 1153–54 (9th Cir. 2009). 21 The plaintiff does not allege any facts showing disclosure of his credit information and pleads 22 only his suspicions.

He must say more to support his claims. 23 24 3. Fourteenth Amendment Claim 25 There is no government action, a necessary predicate to a Fourteenth Amendment claim. *Lugar 26 v. Edmondson Oil Co.*, 457 U.S. 922, 924 (1982). 27 1 4. State Claims 2 The plaintiff asserts federal-question jurisdiction only.⁷ Without a federal claim, the court 3 lacks supplemental jurisdiction over the state claims.

Royal Canin U.S.A., Inc. v. Wullschleger, 4 604 U.S. 22, 43–44 (2025). Because the plaintiff is pro se and need not plead his specific legal 5 theories, *Hearns*, 413 F.3d at 1041, the court nonetheless addresses the claims because the 6 plaintiff likely can establish diversity jurisdiction: he is a citizen of California, the amount in 7 controversy exceeds \$75,000, and Chase is a national banking association that is a citizen of Ohio. 8 28 U.S.C. § 1332(a); *Ramos v. U.S. Bank, N.A.*, No. 20-cv-01433-MMC, 2020 WL 3488022, at *1 9 (N.D.

Cal. June 26, 2020) (judicially noticing Chase’s citizenship and collecting cases). 10 Additional potential state claims are defamation through false statements to other financial 11 institutions, intentional infliction of emotional distress, and unfair competition under California’s 12 Unfair Competition Law (UCL), Cal. Bus. & Prof. Code § 17200. 13 The elements of a claim for defamation under California law are (1) a publication, that is (2) 14 false, (3) defamatory, (4) unprivileged, and that (5) has a natural tendency to injure or that causes 15 special damage.

Taus v. Loftus, 40 Cal. 4th 683, 720 (2007). The plaintiff must allege facts 16 showing false statements to other financial institutions, not merely his suspicions about disclosure. 17 The elements of intentional infliction of emotional distress are “(1) extreme and outrageous 18 conduct by the defendant with the intention of causing, or reckless disregard of the probability of 19 causing, emotional distress; (2) the plaintiff’s suffering severe or extreme emotional distress; and 20 (3) actual and proximate causation of the emotional distress by the defendant’s outrageous 21 conduct.” Kelley v. Conco Cos., 196 Cal. App.

4th 191, 215, (2011) (cleaned up). A defendant’s 22 conduct is outrageous when it is “so extreme as to exceed all bounds of that usually tolerated in a 23 civilized community.” Id. (cleaned up). The plaintiff must provide facts supporting these elements. 24 There are no predicate claims supporting a claim under the UCL’s unlawful prong, the plaintiff 25 does not claim fraud, and any challenges to business practices under the unfair prong overlap with 26 the business practices challenged under the unlawful prong.

Courts in this district have held that 27] where the unfair business practices alleged under the unfair prong of the UCL overlap entirely with 2 || the business practices addressed in the fraudulent and unlawful prongs of the UCL, the unfair prong; 3 of the UCL do not survive if the claims under the other two prongs do not survive. *Parducci v. 4 || Overland Sols., Inc.*, 399 F. Supp. 3d 969, 982 (N.D.

Cal. 2019) (collecting cases). 5 6 || 5. Request for Sealing 7 The plaintiff asked for sealing of confidential information, including social-security numbers, 8 and said that he simultaneously filed redacted versions of documents.’ No documents were filed. 9 || The public documents do not reflect any private information.

The court denies the motion to seal 10 || without prejudice to a fuller showing under Civil Local Rule 79-5. 1] L CONCLUSION 13 The plaintiff must file a supplement to his complaint with additional facts to support his claim 14 || by July 28, 2025. A failure to do so may result in dismissal of his claims. 3 15 IT IS SO ORDERED. a 16 Dated: July 11, 2025 LAE LAUREL BEELER 18 United States Magistrate Judge 19 20 21 22 23 24 25 26 27 28 Mot. — ECF No. 6.