

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Swann v. Intel Problems & Solutions, et al.

Case No. 4:23-cv-06625-KAW · No. 4:23-cv-06625-KAW · Decided March 12, 2025

SUMMARY

The United States District Court for the Northern District of California screened Blake O’Bryan Swann’s complaint under 28 U.S.C. § 1915(e)(2) and found it insufficient because it did not clearly identify the consumer law claims or provide an adequate factual basis. The court ordered Plaintiff to file an amended complaint by April 11, 2025 and continued the case management conference to August 5, 2025.

CASE DETAILS

COURT	United States District Court for the Northern District of California
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 12, 2025
DOCKET	4:23-cv-06625-KAW
DISPOSITION	other
PROCEDURAL POSTURE	The court screened a pro se plaintiff's complaint and in forma pauperis action under 28 U.S.C. § 1915(e)(2), found the complaint deficient, granted leave to amend, and continued the case management conference.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915(e)(2); the court must dismiss an in forma pauperis action 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 the plausibility standard, with pro se pleadings construed liberally.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Blake O'Bryan Swann v. Intel Problems & Solutions, et al.

TOPICS

- subject matter jurisdiction
- pleadings
- civil procedure
- consumer protection

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint was subject to dismissal or correction under the court's screening obligation under 28 U.S.C. § 1915(e)(2).
2. Whether the complaint adequately stated a claim under Federal Rule of Civil Procedure 8 by providing the factual and legal bases for the claims.
3. Whether the court should allow the pro se plaintiff leave to amend.

HOLDINGS

1. The complaint was insufficient under § 1915(e)(2) because it did not provide enough factual or legal information to establish a cognizable claim or permit the court to evaluate the basis for relief.
2. The complaint did not satisfy Rule 8 because it failed to provide a short and plain statement showing that the plaintiff was entitled to relief and failed to identify the consumer law underlying each claim.
3. The plaintiff was required to receive an opportunity to amend because the court did not determine that the complaint's deficiencies could not be cured by amendment.

KEY QUOTATIONS

“As a result, the Court cannot determine the facts which form the basis of this lawsuit.” (at 2)

“Moreover, Plaintiff needs to identify which consumer law he is alleging for each claim— listing “consumer law” for the claim is not sufficient.” (at 2)

“Thus, Plaintiff must clearly provide the legal and factual basis for all claims and must do so by filing an amended complaint by April 11, 2025.” (at 3)

FACTUAL BACKGROUND

Plaintiff alleged that a computer he purchased and sent off was never returned. He characterized the matter as involving a consumer law and sought economic and emotional-distress damages. The complaint relied on an affidavit of complaint for its factual allegations, but no such affidavit had been filed, and it did not identify the specific consumer law supporting each claim.

PROCEDURAL HISTORY

Plaintiff filed the civil action and an application to proceed in forma pauperis on December 26, 2023. After several extensions, the court granted the amended in forma pauperis application on February 20, 2025. The court then screened the complaint, found that it did not adequately state the factual and legal bases for the claims, ordered an amended complaint by April 11, 2025, and continued the case management conference to August 5, 2025.

DISPOSITION

other

CASES CITED

- Castillo v. Marshall, 207 F.3d 15, 15 (9th Cir. 1997)
- Pratt v. Sumner, 807 F.2d 817, 819 (9th Cir. 19987)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-57 (2007)
- Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010)
- Franklin v. Murphy, 745 F.2d 1221, 1235 n.9 (9th Cir. 1984)
- Lopez v. Smith, 203 F.3d 1122, 1130-31 (9th Cir. 2000)
- Henderson ex rel. Henderson v. Shinseki, 562 U.S. 428, 434 (2011)
- Valdez v. Allstate Ins. Co., 372 F.3d 1115, 1116 (9th Cir. 2004)
- Hansen v. Blue Cross of Cal., 891 F.2d 1384, 1386 (9th Cir. 1990)

OPINION

Swann v. Intel Problems & Solutions

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 BLAKE O'BRYAN SWANN, Case No. 4:23-cv-06625-KAW 8 Plaintiff, SCREENING
ORDER REVIEWING

PLAINTIFF'S COMPLAINT; ORDER

9 v. CONTINUING CASE MANAGEMENT

CONFERENCE

10 INTEL PROBLEMS & SOLUTIONS, et al., Re: Dkt. No. 1 11 Defendants. 12 13 On
December 26, 2023, Plaintiff Blake O'Bryan Swann filed this civil action and 14 application to
proceed in forma pauperis. Plaintiff received several extensions of time to file an 15 amended
application to proceed in forma pauperis, which was ultimately granted on February 20, 16 2025.
(Dkt. No. 23.) The Court now screens Plaintiff's complaint pursuant to 28 U.S.C. § 1915, 17 and,
for the reasons set forth below, concludes that the operative complaint is deficient.

18 I. LEGAL STANDARD

19 The in forma pauperis statute provides that the Court shall dismiss the case if at any time 20 the
Court determines that the allegation of poverty is untrue, or that the action (1) is frivolous or 21
malicious, (2) fails to state a claim on which relief may be granted; or (3) seeks monetary relief 22
against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). 23 A complaint is
frivolous under Section 1915 where there is no subject matter jurisdiction. 24 See Castillo v.
Marshall, 207 F.3d 15, 15 (9th Cir. 1997) (citation omitted); see also Pratt v. Sumner, 25 807 F.2d

817, 819 (9th Cir. 19987) (recognizing the general proposition that a complaint should be 26 dismissed as frivolous on Section 1915 review where subject matter jurisdiction is lacking). 27 A complaint may also be dismissed for failure to state a claim, because Section 1915(e)(2) 1 1126-27 (9th Cir. 2000). The complaint, therefore, must allege facts that plausibly establish the 2 defendant's liability. See *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555-57 (2007). When the 3 complaint has been filed by a pro se plaintiff, courts must "construe the pleadings liberally . . . to 4 afford the petitioner the benefit of any doubt." *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 5 2010) (citations omitted). Upon dismissal, pro se plaintiffs proceeding in forma pauperis must be 6 given leave to "amend their complaint unless it is absolutely clear that the deficiencies of the 7 complaint could not be cured by amendment." *Franklin v. Murphy*, 745 F.2d 1221, 1235 n.9 (9th 8 Cir. 1984) (internal citations and quotation marks omitted); *Lopez v. Smith*, 203 F.3d 1122, 1130-9 31 (9th Cir. 2000).

10 II. DISCUSSION

11 As courts of limited jurisdiction, "federal courts have an independent obligation to ensure 12 that they do not exceed the scope of their jurisdiction." *Henderson ex rel. Henderson v. Shinseki*, 13 562 U.S. 428, 434 (2011); *Valdez v. Allstate Ins. Co.*, 372 F.3d 1115, 1116 (9th Cir. 2004) (noting 14 that district courts are "obligated to consider sua sponte whether [they] have subject matter 15 jurisdiction"). There are two bases for federal subject matter jurisdiction: (1) federal question 16 jurisdiction under 28 U.S.C. § 1331 and (2) diversity jurisdiction under 28 U.S.C. § 1332. A 17 district court has federal question jurisdiction in "all civil actions arising under the Constitution, 18 laws, or treaties of the United States." *Id.* at § 1331. A cause of action "arises under federal law 19 only when the plaintiff's well-pleaded complaint raises issues of federal law." *Hansen v. Blue 20 Cross of Cal.*, 891 F.2d 1384, 1386 (9th Cir. 1989). A district court has diversity jurisdiction 21 "where the matter in controversy exceeds the sum or value of \$75,000 . . . and is between citizens 22 of different states, or citizens of a State and citizens or subjects of a foreign state." *Id.* 23 Here, Plaintiff appears to be alleging that a computer he purchased and "sent off" never 24 returned. (See *Compl.*, Dkt. No. 1 at 4.) Plaintiff contends that this is a "consumer law" and that 25 he suffered economic and emotional distress damages because of Defendants' actions. *Id.* at 3-4. 26 Plaintiff, however, cites to an "affidavit of complaint" to provide the statement of facts, but no 27 such document has been filed. See *id.* at 2. As a result, the Court cannot determine the facts which 1 form the basis of this lawsuit. Moreover, Plaintiff needs to identify which consumer law he is 2 || alleging for each claim— listing "consumer law" for the claim is not sufficient. Thus, Plaintiff 3 || has failed to set forth "a short and plain statement of the claim showing that the pleader is entitled 4 || to relief" as required by Rule 8 of the Federal Rules of Civil Procedure. 5 Accordingly, the Court concludes that the complaint is insufficient to satisfy Section 1915 6 || review.

7 VI. CONCLUSION

8 For the reasons set forth above, the allegations in Plaintiff's complaint are insufficient 9 || under
28 U.S.C. § 1915(e)(2). Thus, Plaintiff must clearly provide the legal and factual basis for 10 || all
claims and must do so by filing an amended complaint by April 11, 2025. If Plaintiff fails to 11 file
an amended complaint by that date, or the amended complaint fails to cure all defects, the case 12
|| will be reassigned to a district judge with the report and recommendation that either the
complaint 13 be dismissed in whole or in part or the case be dismissed in its entirety. 14 In
amending the complaint, Plaintiff may wish to contact the Federal Pro Bono Project's 3 15 Help
Desk for assistance—a free service for pro se litigants—by calling (415) 782-8982 to make a 16
an appointment. While the Help Desk does not provide legal representation, a licensed attorney 3
17 may assist Plaintiff in determining whether there are viable claims, and how to properly plead
18 || them. 19 Plaintiff may also wish to consult a manual the court has adopted to assist pro se
litigants 20 || in presenting their case. This manual, and other free information for pro se litigants,
is available 21 online at: <https://cand.uscourts.gov/pro-se-litigants/>. 22 Finally, the Court continues
the case management conference set for March 18, 2025 to
23 August 5, 2025 at 1:30 p.m. Case management statements are due on or before July 29, 2025.
24 IT IS SO ORDERED. 25 || Dated: March 11, 2025 . 27 United States Magistrate Judge 28