

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PRECEDENTIAL VALUE	nonprecedential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)

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