

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Havea v. C.R. England

No. 25-cv-01406-DMR, United States District Court for the Northern District of California (June 24, 2025)

SUMMARY

The United States District Court for the Northern District of California dismissed Sosaia Havea’s amended complaint under 28 U.S.C. § 1915(e) for failure to state a claim and lack of standing to assert a claim under 18 U.S.C. § 242. The court denied the defendant’s motion to dismiss as moot and denied Havea’s motion to proceed in forma pauperis on appeal. The court certified that any appeal would not be taken in good faith and ordered the action closed.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Donna M. Ryu
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 24, 2025
DOCKET	25-cv-01406-DMR
DISPOSITION	dismissed
PROCEDURAL POSTURE	The plaintiff filed an amended pro se complaint after the court dismissed the original complaint under 28 U.S.C. § 1915(e). The court screened the amended complaint, considered the defendant's motion to dismiss, and ruled on the plaintiff's motion to proceed in forma pauperis on appeal.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court continuously screens an action filed in forma pauperis and must dismiss it if it is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Failure to state a claim is assessed under the plausibility standard applicable to Federal Rule of Civil Procedure 12(b)(6), with pro se pleadings liberally construed. An appeal is taken in good faith only when it presents a nonfrivolous issue with an arguable basis in fact or law.
PRECEDENTIAL VALUE	unpublished

PARTIES

Sosaia Havea v. C.R. England

TOPICS

standing

subject matter jurisdiction

civil procedure

appellate procedure

civil rights

PRACTICE AREAS

civil procedure

civil rights

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QUESTIONS PRESENTED

1. Whether the first amended complaint stated a cognizable claim under 18 U.S.C. § 242.
2. Whether the plaintiff had standing or otherwise established subject matter jurisdiction to pursue the asserted claims.
3. Whether the amended complaint should be dismissed without further leave to amend after the plaintiff had already been given an opportunity to cure identified deficiencies.
4. Whether the defendant's motion to dismiss should be denied as moot after dismissal of the amended complaint.
5. Whether the plaintiff should be permitted to proceed in forma pauperis on appeal and whether the appeal should be certified as not taken in good faith.

HOLDINGS

1. A private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another and cannot initiate a federal criminal proceeding under 18 U.S.C. § 242; therefore, the amended complaint failed to state a cognizable claim.
2. The amended complaint was subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) because it failed to state a claim and lacked a basis for subject matter jurisdiction.
3. Dismissal without further leave to amend was proper because the plaintiff had already been given an opportunity to address the deficiencies identified in the prior screening order and the amended complaint remained deficient.
4. The plaintiff was not entitled to proceed in forma pauperis on appeal because the identified appeal had no arguable basis in fact or law and was therefore frivolous.

KEY QUOTATIONS

“the court finds that it again fails to state a claim on which relief may be granted.” (at 1)

“Individuals cannot file criminal charges in the United States District Court. Rather, criminal proceedings in federal court are initiated by the government, usually through the United States Attorney’s Office.” (at 2)

“Plaintiff’s appeal is frivolous, as she identifies no appealable order or judgment.” (at 3)

“Any appeal, therefore, would be frivolous and not in good faith.” (at 4)

FACTUAL BACKGROUND

Sosaia Havea filed an amended complaint against C.R. England, a private company, asserting a claim under 18 U.S.C. § 242 and attempting to assert constitutional claims. The amended complaint sought to invoke criminal and constitutional theories based on an alleged 2017 incident. The court found that Havea, a private citizen, could not prosecute a criminal statute or assert a constitutional claim against a private company, and that the amended complaint did not establish a basis for subject matter jurisdiction.

PROCEDURAL HISTORY

The court granted the plaintiff's initial application to proceed in forma pauperis but dismissed the original complaint for failure to state a claim. The plaintiff filed a first amended complaint, and the defendant filed a motion to dismiss. The plaintiff then filed a notice of appeal and an appellate IFP motion. The court dismissed the amended complaint without further leave to amend, denied the defendant's motion as moot, denied appellate IFP status, certified that an appeal would not be taken in good faith, and ordered the clerk to close the action.

DISPOSITION

dismissed

CASES CITED

- Denton v. Hernandez, 504 U.S. 25, 32 (1992)
- Franklin v. Murphy, 745 F.2d 1221, 1227-28 (9th Cir. 1984)
- Ashcroft v. Iqbal, 556 U.S. 662, 677-78 (2009)
- Erickson v. Pardus, 551 U.S. 89 (2007) (per curiam)
- Haines v. Kerner, 404 U.S. 519, 520-21 (1972)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 554 (2007)
- Akhtar v. Mesa, 698 F.3d 1202, 1212 (9th Cir. 2012)
- L.R. v. Mueller, No. 23-CV-03421-PHK, 2025 WL 1635505, at *2 (N.D. Cal. June 9, 2025)
- Carey v. Torres, No. 24-cv-09534-TSH, 2025 WL 277399, at *5 (N.D. Cal. Jan. 23, 2025)
- Hooker v. Am. Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002)
- O'Loughlin v. Doe, 920 F.2d 614, 617 (9th Cir. 1990)