

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Lawson-King v. Neighbor to Neighbor Homes, LLC

No. 2:25-cv-01299-DC-CKD (PS) (E.D. Cal. May 8, 2025) · No. 2:25-cv-01299-DC-CKD (PS) · Decided May 9, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Janice Lawson-King’s application to proceed in forma pauperis but dismisses her complaint for failure to provide fair notice of cognizable claims and sufficient factual allegations. The court grants leave to amend within 30 days and notes that abstention may be required if a related state-court unlawful detainer action is pending.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 9, 2025
DOCKET	2:25-cv-01299-DC-CKD (PS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff filed a complaint and an application to proceed in forma pauperis. The magistrate judge granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915(e), dismissed the complaint for failure to state a claim and failure to provide fair notice, and granted leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court screens an in forma pauperis complaint and must dismiss it if it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from an immune defendant. The court accepts well-pleaded factual allegations as true, construes them in the light most favorable to the plaintiff, and liberally construes pro se pleadings. The complaint must contain enough factual matter to state a plausible claim and must provide fair notice of the claims and grounds for relief.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Janice Lawson-King v. Neighbor to Neighbor Homes, LLC, et al.

TOPICS

pleadings

motions to dismiss

subject matter jurisdiction

civil procedure

adverse possession

PRACTICE AREAS

civil procedure

federal jurisdiction

real estate

consumer protection

QUESTIONS PRESENTED

1. Whether the plaintiff's in forma pauperis application satisfied the requirements of 28 U.S.C. § 1915.
2. Whether the complaint stated a plausible and cognizable claim and provided fair notice of the claims, defendants, alleged misconduct, and requested relief as required by Federal Rule of Civil Procedure 8(a) (2).
3. Whether the court was required to consider subject matter jurisdiction sua sponte and potentially abstain from interfering with a related state unlawful-detainer action.

HOLDINGS

1. Plaintiff's application satisfied the requirements of 28 U.S.C. § 1915, so the request to proceed in forma pauperis was granted.
2. The complaint failed to state a claim and did not provide fair notice because it did not clearly identify the claims, the specific conduct allegedly undertaken by each defendant, or the factual and legal grounds for relief. The complaint was therefore dismissed under the in forma pauperis screening standard, with leave to amend.
3. Because the pleading defects might be curable, plaintiff was entitled to notice of the deficiencies and an opportunity to file an amended complaint.
4. Federal courts have an independent duty to determine whether subject matter jurisdiction exists, and a federal court must dismiss for lack of subject matter jurisdiction when appropriate. If a related state unlawful-detainer action concerning the property was pending, Colorado River principles would require abstention from interference with the state court's jurisdiction over the property.

KEY QUOTATIONS

"The federal courts are courts of limited jurisdiction, and a federal court has an independent duty to assess whether federal subject matter jurisdiction exists, whether or not the parties raise the issue." (at 2)

"The complaint fails to give fair notice of any cognizable claims and the grounds on which they rest." (at 3)

"Your complaint is being dismissed because it fails to state a claim. However, you are being given the chance to fix the problems identified in this order by filing an amended complaint." (at 4)

FACTUAL BACKGROUND

Plaintiff alleged that she resides at and owns property located at 8739 Lockeport Court in Elk Grove, California. The complaint appeared to assert adverse possession and claims under several federal statutes, including the Fair Debt Collection Practices Act and the Fair Credit Reporting Act. The complaint also suggested that a foreclosure sale had occurred and that an unlawful detainer action concerning the property was pending in Sacramento County Superior Court.

PROCEDURAL HISTORY

Plaintiff filed a pro se complaint on May 6, 2025, concerning property in Elk Grove, California, and requested permission to proceed in forma pauperis. The court found the application sufficient, granted the request, and screened the complaint. The court dismissed the complaint with leave to amend and gave plaintiff thirty days to file a complete amended complaint complying with the Federal Rules of Civil Procedure and local rules.

DISPOSITION

dismissed

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1126-27, 1130-31 (9th Cir. 2000) (en banc)
- Neitzke v. Williams, 490 U.S. 319, 325, 327 (1989)
- Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Hebbe v. Pliler, 627 F.3d 338, 342 & n.7 (9th Cir. 2010)
- Cahill v. Liberty Mutual Insurance Co., 80 F.3d 336, 339 (9th Cir. 1996)
- United Investors Life Insurance Co. v. Waddell & Reed Inc., 360 F.3d 960, 967 (9th Cir. 2004)
- Colorado River Water Conservation District v. United States, 424 U.S. 800 (1976)
- Scherbenske v. Wachovia Mortgage, FSB, 626 F. Supp. 2d 1052, 1058 (E.D. Cal. 2009)
- 40235 Washington Street Corp. v. Lusardi, 976 F.2d 587, 588-89 (9th Cir. 1992)
- Jones v. Community Redevelopment Agency, 733 F.2d 646, 649 (9th Cir. 1984)
- McHenry v. Renne, 84 F.3d 1172, 1178-80 (9th Cir. 1996)
- Lucas v. Department of Corrections, 66 F.3d 245, 248 (9th Cir. 1995)

OPINION

(PS) Lawson-King v. Neighbor to Neighbor Homes, LLC

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 JANICE LAWSON-KING, No. 2:25-cv-01299-DC-CKD (PS)

12 Plaintiff, 13

v. ORDER GRANTING IFP AND DISMISSING

CASE WITH LEAVE TO AMEND

14

NEIGHBOR TO NEIGHBOR HOMES,

15 LLC, et.al., 16 Defendants. 17 18 This action was referred to the undersigned pursuant to Local Rule 302(c)(21). See 28 19 U.S.C. § 636(b)(1). Plaintiff filed an application in support of her request to proceed in forma 20 pauperis. (ECF No. 2.) Plaintiff's application makes the showing required by 28 U.S.C. § 1915, 21 so the motion to proceed in forma pauperis will be granted. Plaintiff's pro se complaint filed on 22 May 6, 2025, is now before the court for screening. (ECF No. 1.) 23

I. SCREENING REQUIREMENT

24 Pursuant to 28 U.S.C. § 1915(e), the court must screen every in forma pauperis 25 proceeding, and must order dismissal of the case if it is "frivolous or malicious," "fails to state a 26 claim on which relief may be granted," or "seeks monetary relief against a defendant who is 27 immune from such relief." 28 U.S.C. § 1915(e)(2)(B); *Lopez v. Smith*, 203 F.3d 1122, 1126-27 28 1 (2000). A claim is legally frivolous when it lacks an arguable basis either in law or in fact. 2 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). In reviewing a complaint under this standard, the 3 court accepts as true the factual allegations contained in the complaint, unless they are clearly 4 baseless or fanciful, and construes those allegations in the light most favorable to the plaintiff. 5 See *Neitzke*, 490 U.S. at 327; *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 6 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011). 7 To state a claim on which relief may be granted, the plaintiff must allege enough facts "to 8 state a claim to relief that is plausible on its face." *Twombly*, 550 U.S. at 570. "A claim has facial 9 plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable 10 inference that the defendant is liable for the misconduct alleged." *Iqbal*, 556 U.S. at 678 11 Pro se pleadings are to be liberally construed. *Hebbe v. Pliler*, 627 F.3d 338, 342 & fn. 7 (9th 12 Cir. 2010) (liberal construction appropriate even post-*Iqbal*). Prior to dismissal, the court is to tell

13 the plaintiff of deficiencies in the complaint and provide an opportunity to cure—if it appears at 14 all possible the defects can be corrected. See *Lopez v. Smith*, 203 F.3d 1122, 1130-31 (9th Cir. 15 2000) (en banc). However, if amendment would be futile, no leave to amend need be given. 16 *Cahill v. Liberty Mut. Ins. Co.*, 80 F.3d 336, 339 (9th Cir. 1996). 17 The federal courts are courts of limited jurisdiction, and a federal court has an independent 18 duty to assess whether federal subject matter jurisdiction exists, whether or not the parties raise 19 the issue. See *United Investors Life Ins. Co. v. Waddell & Reed Inc.*, 360 F.3d 960, 967 (9th Cir. 20 2004). The court

must sua sponte dismiss the case if, at any time, it determines that it lacks 21 subject matter jurisdiction. Fed. R. Civ. P. 12(h)(3). A federal district court generally has 22 original jurisdiction over a civil action when: (1) a federal question is presented in an action 23 “arising under the Constitution, laws, or treaties of the United States” or (2) there is complete 24 diversity of citizenship and the amount in controversy exceeds \$75,000. See 28 U.S.C. §§ 1331, 25 1332(a).

26 II. THE COMPLAINT MUST BE DISMISSED

27 Plaintiff’s complaint does not clearly articulate the claims Plaintiff seeks to bring against 28 Defendants, but it appears Plaintiff seeks relief related to property located at 8739 Lockeport 1 Court, Elk Grove, CA 95624 (the “Property”). (ECF No. 1 at 1.) In her complaint, Plaintiff 2 alleges she resides at and owns the Property. (Id.) Plaintiff appears to bring a claim of adverse 3 possession of the Property, but she also attempts to “incorporate into this matter” claims under 4 several federal statutes including the Fair Debt Collections Practice Act, the Fair Credit Reporting 5 Act, the Consumer Financial Protection Act, and the Consumer Financial Security and Exchange 6 Act. (Id. at 5, 18.) Plaintiff’s complaint suggests that a foreclosure sale has already occurred 7 because it references an unlawful detainer action pending in Sacramento County Superior Court. 8 (Id. at 1, 10–11, 13, 18.) 9 The complaint fails to give fair notice of any cognizable claims and the grounds on which 10 they rest. Although the Federal Rules adopt a flexible pleading policy, even a pro se litigant’s 11 complaint must give fair notice and state the elements of a claim plainly and succinctly. *Jones v. 12 Community Redev. Agency*, 733 F.2d 646, 649 (9th Cir. 1984). Here, the complaint does not 13 contain a short and plain statement of a claim as required by Fed. R. Civ. P. 8(a)(2). The 14 complaint does not describe the specific conduct any defendant is alleged to have engaged in that 15 violated plaintiff’s rights. The complaint must be dismissed because it does not contain any 16 factual content to allow the court to draw the reasonable inference that a defendant has violated 17 plaintiff’s rights. See *McHenry v. Renne*, 84 F.3d 1172, 1178-80 (9th Cir. 1996) (affirming 18 dismissal of complaint where “one cannot determine from the complaint who is being sued, for 19 what relief, and on what theory, with enough detail to guide discovery”). 20 Further, if there is an unlawful detainer action pending in state court related to the 21 Property, this court would be compelled to abstain from interference under *Colorado River Water 22 Conservation District v. United States*, 424 U.S. 800 (1976). See *Scherbenske v. Wachovia 23 Mortg., FSB*, 626 F. Supp. 2d 1052, 1058 (E.D. Cal. 2009) (abstaining from interfering with 24 state unlawful-detainer action). Under *Colorado River*, “whether either the state or federal court 25 has exercised jurisdiction over a res” is dispositive. *40235 Washington Street Corp. v. Lusardi*, 26 976 F.2d 587, 588 (9th Cir. 1992) (finding the district court was required to stay a quiet title 27 action where there was a concurrent quiet title action that had been filed first in state court). “The 28 1 forum first assuming custody of the property at issue has exclusive jurisdiction to proceed.” Id. at 2 589 (citing *Colorado River*, 424 U.S. at 819).

3 III. PLAIN LANGUAGE SUMMARY FOR A PRO SE PARTY

4 The following information is meant to explain this order in plain English and is not 5 intended as

legal advice. 6 Your complaint is being dismissed because it fails to state a claim. However, you are 7 being given the chance to fix the problems identified in this order by filing an amended 8 complaint. If you wish to file an amended complaint you must clearly explain what happened, 9 why the court has jurisdiction over your complaint, and what remedy you are seeking.

10 IV. CONCLUSION AND ORDER

11 The complaint must be dismissed, but plaintiff is granted leave to file an amended 12 complaint. See *Lucas v. Dep't of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995) ("Unless it is absolutely 13 clear that no amendment can cure the defect... a pro se litigant is entitled to notice of the 14 complaint's deficiencies and an opportunity to amend prior to dismissal of the action."). An 15 amended complaint should be titled "First Amended Complaint." Local Rule 220 requires that an 16 amended complaint be complete by itself without reference to any prior pleading. 17 For the reasons set forth above, IT IS ORDERED as follows: 18 1. Plaintiff's request to proceed in forma pauperis (ECF No. 2) is GRANTED. 19 2. Plaintiff's complaint (ECF No. 1) is dismissed with leave to amend; 20 3. The Clerk's Office is directed to send plaintiff the civil form complaint used in this 21 district; 22 4. Plaintiff is granted thirty days from the date of service of this order to file an amended 23 complaint that complies with the requirements of the Federal Rules of Civil Procedure 24 25 26 27 28 1 | and the Local Rules of Practice. Failure to file an amended complaint in accordance with this 2 || order will result in a recommendation that this action be dismissed. 3 || Dated: May 8, 2025 Card Kt | bi L ,

4 CAROLYNK. DELANEY SOS

5 UNITED STATES MAGISTRATE JUDGE

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