

**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.

OPINION

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 Lockport 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 6 7 | CKD.Lawson-
King.1299.screen 8 9 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28