

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF GUAM

Eddie Lawrence Quitugua v. Donna P. Quitugua, et al.

Quitugua · No. 1:25-cv-00036 · Decided December 3, 2025

SUMMARY

The District Court of Guam dismissed Eddie Lawrence Quitugua’s amended § 1983 civil rights complaint with prejudice. The court held that the claims were barred by the applicable two-year statute of limitations and declined to impose Rule 11 sanctions, while admonishing Plaintiff regarding alleged misquotations and an unverifiable case citation.

CASE DETAILS

COURT	United States District Court for the District of Guam
WRITING FOR THE COURT	Frances M. Tydingco-Gatewood
JURISDICTION	District Court of Guam
DECIDED	December 3, 2025
DOCKET	1:25-cv-00036
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening of a pro se amended verified civil-rights complaint filed in forma pauperis under 42 U.S.C. § 1983.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court must dismiss an in forma pauperis complaint that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. The court accepts material factual allegations as true and construes them in the light most favorable to the plaintiff, while requiring sufficient factual matter to state a plausible claim.
PRECEDENTIAL VALUE	unpublished

TOPICS

- section 1983
- civil rights
- statute of limitations
- procedural due process
- equal protection

PRACTICE AREAS

- civil rights
- constitutional law
- civil procedure
- real estate
- remedies

QUESTIONS PRESENTED

1. Whether Plaintiff's amended § 1983 claims were barred by the applicable two-year statute of limitations.
2. Whether Plaintiff's allegations supported equitable tolling until January 15, 2025, when an attorney allegedly confirmed the full extent of the fraud.
3. Whether further amendment would be futile.
4. Whether Plaintiff's alleged misquotations and citation of an apparently nonexistent case warranted Rule 11 sanctions.

HOLDINGS

1. Plaintiff's § 1983 claims were barred by the applicable two-year statute of limitations because he knew or had reason to know of the alleged injury and its cause no later than December 19, 2021, but did not file suit until September 17, 2025.
2. Plaintiff was not entitled to equitable tolling until January 15, 2025, because he knew of the alleged fraud and resulting injury no later than December 19, 2021.
3. The amended complaint was dismissed with prejudice because the limitations defect could not be cured by further amendment.
4. The court declined to impose Rule 11 sanctions at that time but admonished Plaintiff to ensure the accuracy of future pleadings and citations.

KEY QUOTATIONS

“the “cause of action accrues when the plaintiff knows or has reason to know of the injury that is the basis of the action and the cause of that injury.”” (Opinion at 8)

“Moreover, any further amendment to the Amended Complaint would be futile as nothing can change when Plaintiff learned of the fraud underlying his injury or when he filed this action in this court.” (Opinion at 10)

“The court further admonishes Plaintiff for his lack of compliance with Rule 11.” (Opinion at 12)

FACTUAL BACKGROUND

Plaintiff lived at the disputed Guam property from 2010 until his eviction in December 2021. He alleged that family members and others created or used fraudulent deeds and title documents to establish ownership in Ryan C.P. Quitugua and to evict Plaintiff. Plaintiff alleged that he discovered an unaltered deed and the alleged notarization fraud on December 19, 2021, reported it to authorities shortly thereafter, and continued contacting authorities through 2024. He filed this federal action on September 17, 2025, asserting due-process, equal-protection, and civil-rights conspiracy claims.

PROCEDURAL HISTORY

Plaintiff filed an initial complaint alleging that Defendants conspired to deprive him of constitutional and civil rights through fraudulent property instruments and related proceedings. The court dismissed four claims without prejudice and dismissed two claims with prejudice, allowing amendment of the four surviving claims. Plaintiff

filed an amended complaint, and the court screened it under 28 U.S.C. § 1915(e), dismissed all claims with prejudice as barred by the statute of limitations, and admonished Plaintiff regarding Rule 11 without imposing sanctions.

DISPOSITION

dismissed

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1126-27 (9th Cir. 2000)
- Ex parte Young, 209 U.S. 123 (1908)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Nagrampa v. MailCoups, Inc., 469 F.3d 1257, 1264 n.2 (9th Cir. 2006)
- Barren v. Harrington, 152 F.3d 1193, 1194 (9th Cir. 1998)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Jones v. Williams, 297 F.3d 930, 934 (9th Cir. 2002)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Hebbe v. Pliler, 627 F.3d 338, 342 n.7 (9th Cir. 2010)
- Jacobsen v. Filler, 790 F.2d 1362, 1364 (9th Cir. 1986)
- Ghazali v. Moran, 46 F.3d 52, 54 (9th Cir. 1995)
- Bruns v. National Credit Union Administration, 122 F.3d 1251, 1257 (9th Cir. 1997)
- Flynt v. Shimazu, 940 F.3d 457, 461 (9th Cir. 2019)
- Nance v. Ward, 597 U.S. 159, 174 (2022)
- Ngiraingas v. Sanchez, 858 F.2d 1368, 1375 (9th Cir. 1988), aff'd on other grounds, 495 U.S. 182 (1990)
- Paeste v. Government of Guam, 798 F.3d 1228, 1237 (9th Cir. 2015)
- Taitano v. Calvo Finance Corp., 2008 Guam 12, ¶ 15 (Guam 2008)
- Gayle v. Hemlani, 2000 Guam 25, ¶ 24 (Guam 2000)
- Soto v. Sweetman, 882 F.3d 865, 871 (9th Cir. 2018)
- Wallace v. Kato, 549 U.S. 384, 388 (2007)
- Gregg v. Hawaii, Department of Public Safety, 870 F.3d 883, 887 (9th Cir. 2017)
- TwoRivers v. Lewis, 174 F.3d 987, 991 (9th Cir. 1999)
- Cervantes v. City of San Diego, 5 F.3d 1273, 1276 (9th Cir. 1993)
- Fink v. Gomez, 239 F.3d 989, 994 (9th Cir. 2001)
- Grant v. City of Long Beach, 96 F.4th 1255, 1256 (9th Cir. 2024)

OPINION

1 2 3 4 5 6 7 THE DISTRICT COURT OF GUAM 8 EDDIE LAWRENCE QUITUGUA, CIVIL
CASE NO. 25-00036 9 Plaintiff, 10 vs. DECISION AND ORDER 11 DISMISSING

PLAINTIFF’S AMENDED DONNA P. QUITUGUA, an individual; VERIFIED CIVIL RIGHTS
12 RYAN C.P. QUITUGUA, an individual; COMPLAINT WITH PREJUDICE NACRINA F.
MENDIOLA, an individual; F. 13 RANDALL CUNLIFFE, an individual; LISA P. CRUZ,
individually and in her 14 official capacity as a Land Abstractor II employee with the Department
of Land 15 Management; JOSEPH M. BORJA, his official capacity as the Director for the 16
Department of Land Management; and The Office of the Attorney General, as a 17 government
entity for prospective declaratory and injunctive relief only; 18 19 20 Defendants.

21 22 This matter comes before the court on Plaintiff Eddie Quitugua’s Amended Verified Civil 23
Rights Complaint for Declaratory, Injunctive, and Other Appropriate Relief Pursuant to 42 24
U.S.C. § 1983 and Demand for Jury Trial (“Amended Complaint”), and his Motion for 1
Expedited Order on Screening and Compulsory Clarification. ECF Nos. 8, 10.1 The court has 2
reviewed the record and the relevant law and finds this matter suitable for submission without 3
oral argument.

4 For the reasons stated herein, the court hereby DISMISSES Plaintiff’s Amended 5 Complaint
with Prejudice. 6 I. INTRODUCTION 7 A. PROCEDURAL BACKGROUND 8 Plaintiff filed his
initial complaint on September 17, 2025. ECF No. 1. He alleged Donna 9 P. Quitugua, Ryan C.P.
Quitugua, Nacrina F. Mendiola, F. Randall Cunliffe, Joseph M. Borja, 10 Nicolas E. Toft, and the
Office of the Attorney General (collectively, “Defendants”) conspired to 11 violate his
constitutional and civil rights by using fraudulent deeds to evict him from the Subject 12 Property
and to prevent him from having due process in proceedings before the local court.

See 13 id. The court dismissed Plaintiff’s first four claims without prejudice to allow him to
amend his 14 complaint: (1) Violation of Procedural Due Process – 42 U.S.C. § 1983, (2)
Violation of 15 Substantive Due Process – 42 U.S.C. § 1983, (3) Violation of Equal Protection –
42 U.S.C. § 16 1983, and (4) Conspiracy to Interfere with Civil Rights – 42 U.S.C. § 1985(3).

ECF No. 6, at 7- 17 10. The court ordered Plaintiff to further articulate the factual and legal bases
for these claims 18 and it cautioned him that failure to adequately amend his complaint could lead
to dismissal with 19 prejudice. Id. at 11.

The remaining two claims were dismissed with prejudice as amendment 20 would be futile: (5)
Fraud on the Court – Fed. R. Civ. P. 60(d)(3), and (6) Declaratory and 21 Injunctive Relief – 28
U.S.C. §§ 2201-2202; Ex parte Young, 209 U.S. 123 (1908). See id. at 10. 22 Plaintiff filed the
Amended Complaint on October 21, 2025, and he realleged the 23 24 1 The court refers to
CM/ECF pagination throughout this Decision and Order.

1 conspiracy by Defendants to defraud him of his constitutional rights. ECF No. 8. The Amended
2 Complaint has four causes of action, all of which pertains to § 1983: (1) Violation of Procedural
3 Due Process under 42 U.S.C. § 1983 against Defendants in their official capacity for declaratory

4 and injunctive relief, (2) Violation of Procedural Due Process under 42 U.S.C. § 1983 against 5 Defendants in their individual capacity for damages, (3) Conspiracy to Violate Civil Rights 6 under 42 U.S.C. § 1983, and (4) Violation of Equal Protection under 42 U.S.C. § 1983.

See id. at 7 43-50, ¶¶ 127-166. 8 Plaintiff sued for declaratory and injunctive relief to clarify his rights and to prevent 9 Defendants from enforcing any fraudulent instruments. Id. at 50-53, ¶¶ 1-2. Plaintiff also seeks 10 compensatory damages, punitive damages, attorney's fees and costs,² pre-judgment and post- 11 judgment interest, evidentiary findings, jury trial, and additional relief.

Id. at 53-58, ¶¶ 3-9. On 12 November 10, 2025, Plaintiff filed a Motion for Expedited Order on Screening and Compulsory 13 Clarification where he asked the court "for an immediate and expedited order resolving the 14 pending screening of his Amended Verified Civil Rights Complaint." ECF No. 10. 15 B. FACTUAL BACKGROUND³ 16 In 2010, Plaintiff moved into the Subject Property, Lot No. 3417-1-4, Unit A. ECF No. 8, 17 at 13, ¶ 40.

From the time he moved in, until the time he was evicted in December of 2021, 18 Plaintiff paid the property taxes, maintained the utilities, and improved the Subject Property. Id 19 at ¶ 42A. At the time he moved in, Juanita Perez Quitugua, his grandmother, owned the Subject 20 Property.⁴ Id. at 13, ¶ 40. She continued to own the Subject Property until 2013, when she 21 2 Plaintiff asks the court to "[a]ward reasonable attorney's fees pursuant to 42 U.S.C. § 1988, should Plaintiff retain 22 counsel or for time spent as pro se litigant." ECF No. 8, at 56, ¶ 5.

23 3 For the purposes of this order, the court takes Plaintiff's factual allegations as true. 24 4 Attorney Jay Arriola drafted deeds for Juanita, including legitimate deeds for Juanita's properties, on November 25, 2002. ECF No. 8, at 19, ¶ 57. 1 allegedly deeded it to Genedine Perez Quitugua, her daughter and Plaintiff's aunt. Id. at 13, ¶ 2 42B. Genedine allowed Plaintiff to continue living on the Subject Property under the same 3 arrangement as his grandmother, and they formalized their agreement through a lease signed on 4 March 27, 2017.

Id. At 13, ¶ 42C. Plaintiff contends Genedine remains the rightful owner of the 5 Subject Property as Raymond Perez Quitugua, Plaintiff's father, confirmed during child support 6 proceedings before the local court on April 4, 2016, that he had no ownership interest in it. Id. at 7 15, ¶ 46. 8 On May 6, 2016, Donna Quitugua, Plaintiff's stepmother, purportedly executed a 9 fraudulent Deed of Gift (Instrument No. 892471) which transferred Raymond Quitugua's 10 supposed interest in the Subject Property to Ryan C.P.

Quitugua, Plaintiff's stepbrother. Id. at 16, 11 ¶ 51, 53. Donna was both aware of Raymond's testimony from the local court proceedings, and 12 of the fact that Raymond was "gravely ill" in the hospital. Id. at 15-16, ¶ 46, 51. 13 Lisa P. Cruz, Donna's Quitugua's sister, then replaced earlier legitimate deeds⁵ with false 14 deeds that fraudulently conveyed the Subject Property to Raymond

instead of Genedine as part 15 of the conspiracy sometime between May 2016 and September 2017.

Id. at 19, ¶ 58. She 16 “substitute[ed] forgeries to create a false chain of title supporting Donna’s fraudulent scheme.” 17 Id. at 20, ¶ 61. 18 In September of 2017, Donna Quitugua filed a complaint with the Office of the Attorney 19 General to determine the ownership of the Subject Property but omitted the fraudulent 20 instruments. Id. at 20, ¶ 62. During the Special Proceedings Case No. SP0162-17, Genedine 21 argued through her attorney that the property belonged to her, but the court ultimately ruled 22 23 24 5 See supra note 4.

1 against her and in favor of Raymond’s estate. Id. at 20-21, ¶¶ 63-69. Genedine appealed.⁶ Id. at ¶ 2 71. 3 On March 3, 2020, Donna and Ryan Quitugua filed an unlawful detainer claim against 4 Plaintiff in the Superior Court of Guam, Civil Case No. CV0221-20. Id. at 22, ¶ 73.

The court 5 asked Plaintiff at the hearing if he wanted a continuance to seek counsel, but Plaintiff declined. 6 Id. at 23, ¶ 77. Instead, Plaintiff asked to proceed pro se, and the court granted the request. Id. 7 Plaintiff presented several legal defenses, but, according to the Plaintiff, the judge eventually 8 “shut down [his] presentation and refused to allow him to continue.” Id. at 24, ¶ 80.

9 At the same hearing, Donna is alleged to have “presented a fabricated Certificate of Title 10 listing Ryan C.P. Quitugua as owner, contradicting DLM’s official record.” Id. at 40, ¶ 113. In 11 addition, Plaintiff alleges that Donna’s attorney, F. Randall Cunliffe, sought to introduce the 12 alleged fraudulent Deed of Gift (Instrument No. 892471). Id. at 24, ¶ 81.

Plaintiff objected and 13 the court informed him “only licensed attorneys could make objections, present evidence, or 14 assert defenses.” Id. at 24, ¶ 82. The altered document that Attorney F. Randall Cunliffe 15 allegedly submitted to the court contained a fraudulent notarization from Nacrina Mendiola. Id. 16 at 27, ¶ 90a. Plaintiff was evicted and, on December 19, 2021, he “discovered the original, 17 unaltered version of Instrument No. 892471 at the Department of Land Management.

This 18 document contained the notarial certification section that Attorney Cunliffe had removed from 19 the version submitted to the court on March 16, 2020.”⁷ Id. at 30, ¶ 97a (emphasis added). 20 Hence, Plaintiff discovered that the “notarization was therefore legally invalid, rendering the 21 deed void.” Id. 22 6 Plaintiff did not participate in these proceedings.

ECF No. 8, at 22, ¶ 72. 23 7 In his Amended Complaint, Plaintiff asserted on two different occasions that he had access to the “original, 24 unaltered version” of Instrument 892471 in 2021. ECF No. 8, at 33, ¶ 97a, ¶ 97j. Plaintiff also acknowledged on two separate occasions that he “reported notarization fraud in December 2021.” ECF No. 8, at 42, ¶ 120. 1 On December 21, 2021, Plaintiff filed a police report, and a day later, on December 22, 2 2021, he filed a consumer

complaint with the Office of the Attorney General Consumer 3 Protection Division “regarding the fraudulent notarization.” Id. at 30, ¶ 97b-c (emphasis 4 added).

The Office of the Attorney General confirmed the illegitimacy of Instrument No. 5 892471, yet they did not prosecute according to the Plaintiff. Id. at 30, ¶ 97d. When they refused 6 to investigate further or prosecute, Plaintiff emailed the police and the Office of the Attorney 7 General thirty-six times from “December 2021 through June 2024.” Id. at 31, ¶ 97c (emphasis 8 added).

9 On January 15, 2025, Attorney Jay Arriola reportedly informed Plaintiff that two of the 10 instruments relied upon in the record were fraudulent, and at this point, Plaintiff became aware 11 of the “full scope of the fabrication.” Id. at 39, ¶ 104, 108. Plaintiff then filed his initial 12 complaint in this matter before the court on September 17, 2025. ECF No. 1.

13 II. DISCUSSION 14 A. SCREENING THE COMPLAINT 15 Plaintiff filed an Amended Application to Proceed without Prepayment of Fees and the 16 court granted it. ECF Nos. 5, 6. As a result, the court must screen Plaintiff’s Complaint before 17 allowing the case to proceed. See *Lopez v. Smith*, 203 F.3d 1122, 1126-27 (9th Cir. 2000). 18 1. Jurisdiction 19 The court has jurisdiction over this action pursuant to 20 U.S.C. § 1331 because the 20 Complaint alleges deprivations of rights secured by the Constitution under 42 U.S.C. § 1983.

21 2. Standard of Review 22 As stated in the court’s prior Decision and Order, ECF No. 6, pursuant to 28 U.S.C. § 23 1915(e), the court is required to review a complaint and dismiss it if the action is “frivolous or 24 malicious,” “fails to state a claim upon which relief may be granted,” or “seeks monetary relief 1 against a defendant who is immune from such relief.” 28 U.S.C § 1915(e) (2)(B)(i)-(iii); *Lopez*, 2 203 F.3d at 1126-27.

A complaint must contain a short and plain statement that the plaintiff is 3 entitled to relief, along with “enough facts to state a claim to relief that is plausible on its face.” 4 FED. R. CIV. P. 8(a)(2); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *Nagrampa v. 5 MailCoups, Inc.*, 469 F.3d 1257, 1264 n.2 (9th Cir. 2006).

The court must accept all allegations 6 of material fact as true and construe those facts in the light most favorable to the plaintiff. See 7 *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998). Although a plaintiff is not required 8 to provide detailed allegations, legal conclusions are insufficient. See *Ashcroft v. Iqbal*, 556 U.S. 9 662, 678 (2009) (“Threadbare recitals of the elements of a cause of action, supported by mere 10 conclusory statements, do not suffice.”).

Additionally, in an action brought under Section 1983, a 11 plaintiff must allege that each defendant personally participated in the deprivation of his rights. 12 See *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002). 13 When a plaintiff is pro se, the court must liberally construe the allegations in a complaint. 14 *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (“A document filed pro

se is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.”) (internal quotation marks and citation omitted); *Hebbe v. Pliler*, 627 F.3d 338, 342 n.7 (9th Cir.

2010). Nonetheless, pro se litigants “should not be treated more favorably than parties with attorneys of record,” *Jacobsen v. Filler*, 19 F.2d 1362, 1364 (9th Cir. 1986); rather, they must follow the same rules of procedure that govern other litigants. *Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995).

In particular, “a liberal interpretation of a civil rights complaint may not supply essential elements of the claim that were not initially pled.” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 1257 (9th Cir. 1997) (internal quotation marks omitted). 1 III. ANALYSIS 2 A. STATUTE OF LIMITATIONS 3 Section 1983 of the Civil Rights Act “does not contain its own statute of limitations.” 4 *Flynt v. Shimazu*, 940 F.3d 457, 461 (9th Cir.

2019). Rather, federal courts look to the state’s statute of limitations in personal injury cases for its statute of limitations. See *Nance v. Ward*, 6 U.S. 159, 174 (2022). In Guam, the local statute of limitations in the personal-injury statute is two years. See *Ngiraingas v. Sanchez*, 858 F.2d 1368, 1375 (9th Cir. 1988), *aff’d* on other grounds by 495 U.S. 182 (1990), abrogated on other grounds as recognized by *Paeste v. Gov’t of Guam*, 798 F.3d 1228, 1237 (9th Cir.

2015); 7 G.C.A. § 11306. 10 Federal courts further borrow the state’s tolling rules. *Soto v. Sweetman*, 882 F.3d 865, 11 871 (9th Cir. 2018). Guam law recognizes equitable tolling of the statute of limitations in cases alleging fraud. See *Taitano v. Calvo Finance Corp.*, 2008 Guam 12, 15 (Guam 2008) (quoting *Gayle v. Hemlani*, 2000 Guam 25, ¶ 24 (Guam 2000)) (holding that in cases of fraud, “the statute of limitations will begin to run when the plaintiff suspects or should suspect that his injury was caused by wrongdoing or that someone has done something wrong to him.”); 7 G.C.A. § 16 11306(d).

Federal courts, however, apply federal law when determining the accrual date for 17 statute of limitations in Section 1983 claims. *Wallace v. Kato*, 549 U.S. 384, 388 (2007). The 18 general rule is “that a cause of action accrues when the plaintiff knows or has reason to know of 19 the injury that is the basis of the action and the cause of that injury.” *Gregg v. Hawaii, Dep’t of Public Safety*, 870 F.3d 883, 887 (9th Cir.

2017); *TwoRivers v. Lewis*, 174 F.3d 987, 991 (9th Cir. 1999) (“Under federal law, a claim accrues when the plaintiff knows or has reason to know 22 of the injury which is the basis of the action.”). 23 Here, Plaintiff’s own allegations in his Amended Complaint make clear that he was well 24 aware of the fraud before the applicable two-year statute of limitations.

Plaintiff stated that he 1 found the fraud on December 19, 2021, when he “discovered the original, unaltered version of 2 Instrument No. 892471 at the Department of Land Management. This

document contained the 3 notarial certification section that Attorney Cunliffe had removed from the version submitted to 4 the court on March 16, 2020.” ECF No. 8, at 30, ¶ 97a (emphasis added).

He repeated this 5 allegation later in his Amended Complaint when he said that he found the “original, unaltered 6 version” of Instrument 892471 in 2021. ECF No. 8, at 33, ¶ 97j. Furthermore, Plaintiff described 7 at length how he reported this fraud to the Office of the Attorney General Consumer Protection 8 Division on December 22, 2021. Id. at 30, ¶ 97c; id. at 42, ¶ 120.

From 2021 through 2024, 9 Plaintiff sent thirty-six emails to the Office of the Attorney General Consumer Protection 10 Division and the Guam Police urging them to investigate this alleged fraudulent conspiracy. Id. 11 at 31, ¶ 97c. 12 Plaintiff did not file the Complaint with this court until September 17, 2025. ECF No. 1. 13 Plaintiff may not have been aware of the fraud inflicted upon him when his family members 14 allegedly created false instruments between May 2016 and September 2017, or when Genedine 15 and her attorney allegedly used fraudulent documents in court in 2020, or when the court 16 allegedly failed to investigate the instruments and deed, but he was certainly aware, by his own 17 admission of the fraud as early as December 19, 2021.

ECF No. 8, at 30, ¶ 97a. Plaintiff’s claims 18 were tolled until, at the latest, December 19, 2021, and no longer than that. 19 Plaintiff contends that the statute of limitations was equitably tolled until January 15, 20 2025, when Attorney Jay Arriola confirmed the fraudulent instruments and Plaintiff became 21 aware of the “fraud’s full extent.” Id. at 9, ¶ 26; 40, ¶ 109.

As the case law makes clear, the 22 “cause of action accrues when the plaintiff knows or has reason to know of the injury that is the 23 basis of the action and the cause of that injury.” Gregg, 870 F.3d at 887. Plaintiff knew of the 24 alleged fraud well before Attorney Jay Arriola confirmed the “full extent” to him.

In fact, 1 Plaintiff was sending voluminous emails to the Office of the Attorney General asking them to 2 investigate and prosecute the alleged fraud for years before Attorney Jay Arriola confirmed it to 3 him. Plaintiff was aware of the injury that gave rise to his claims in 2021, and he has not pursued 4 it this court in a timely manner. 5 The court can dismiss a complaint when the facts within the complaint “support the 6 conclusion that the plaintiff could not prevail, as a matter of law, on the equitable tolling issue.” 7 *Cervantes v. City of San Diego*, 5 F.3d 1273, 1276 (9th Cir.1993).

Moreover, any further 8 amendment to the Amended Complaint would be futile as nothing can change when Plaintiff 9 learned of the fraud underlying his injury or when he filed this action in this court. Accordingly, 10 Plaintiff’s claims in the Amended Complaint are dismissed with prejudice: (1) Violation of 11 Procedural Due Process – 42 U.S.C. § 1983 (Against Defendants in

Official Capacity for 12 Prospective Relief Only), (2) Violation of Procedural Due Process – 42 U.S.C. § 1983 (Against 13 Individual Capacity Defendants for Damages), (3) Conspiracy to Violate Civil Rights – 42 14 U.S.C. § 1983, and (4) Violation of Equal Protection – 42 U.S.C. § 1983.

15 B. Rule 11 Violations 16 Courts can sanction parties or their attorneys for “bad faith or conduct tantamount to bad 17 faith.” *Fink v. Gomez*, 239 F.3d 989, 994 (9th Cir. 2001). As the Ninth Circuit has recently 18 discussed in *Grant v. City of Long Beach*, 96 F.4th 1255, 1256 (9th Cir. 2024), courts can 19 sanction parties for a brief “replete with misrepresentations and fabricated case law.” (The 20 sanction on appeal was for failure to comply with Federal Rule of Appellate Procedure 28).

The 21 circuit highlighted how the party’s brief cited case law that did not support the claims that they 22 were making and also had quotations that did not exist. *Id.* (“The words ‘parent’ and ‘child’ 23 appear nowhere in the [cited] opinion.”). 24 Analogously, Plaintiff here misquotes *Henrichs v. Valley View Dev.*, 474 F.3d 609 (9th 1 Cir. 2007), *Kougasian v. TMSL, Inc.*, 359 F.3d 1136 (9th Cir.

2004), and *Leadsinger, Inc. v. 2 BMG Music Publ’g*, 512 F.3d 522 (9th Cir. 2008). ECF No. 8, at 4, ¶ 15; 7, ¶ 21. Plaintiff 3 claimed *Henrichs* stated “when the source of the injury is the defendant’s conduct, not the 4 adverse state court judgment” but that statement appears nowhere in the opinion.

The word 5 “source” does not appear in the text once. Plaintiff claimed *Kougasian* stated “the gravamen of 6 [Plaintiff’s] complaint is not that the state court erred, but that [Defendants] engaged in a 7 conspiracy” but that statement appears nowhere in the opinion.

The word “gravamen” does not 8 appear in the text once. Lastly, Plaintiff claimed *Leadsinger, Inc.* stated “[a] continuing violation 9 is occasioned by continual unlawful acts, not by continual ill effects from an original violation” 10 but, once again, that statement appears nowhere in the opinion. Again, the word “continual” does 11 not appear in the text once.

Plaintiff’s imaginary quotes not only misstate the law but also waste 12 the court’s valuable time and resources. 13 Separately, the court could not find *Mangiaracina v. Penthouse Int’l, Ltd.*, 849 F.2d 14 1279,1281 (9th Cir. 1988) on either the Westlaw or Lexis databases and it suspects that this may 15 be an AI-fabricated case. *Id.* at 9, ¶ 26.

The court does not know for certain whether this is an AI- 16 fabricated case, but, unrepresented parties, like represented parties, are bound to only include 17 “legal contentions” “warranted by existing law.” Fed. R. Civ. P. 11(b)(2). Plaintiff is required to 18 cite cases that are in existence. 19 As noted above, courts can impose sanctions on parties that violate this rule.

Fed. R. Civ. 20 P. 11(c). At this time, the court will not impose any sanctions for Rule 11 violations, but the court cautions Plaintiff to review any future pleadings he files with the court for accuracy as required by Rule 11. Page 12 of 12 1 CONCLUSION 2 For the foregoing reasons, the court DISMISSES Plaintiff's Amended Complaint with 3 || prejudice.

The court further admonishes Plaintiff for his lack of compliance with Rule 11. 4 SO ORDERED.
he © %® /s/ Frances WM Tydinach- Gatewood 6 ae J. Chief Judge 5 a & Dated: Dec 03, 2025 7
aed 8 9 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24