

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Michael Ward v. People of the State of California

Ward · No. 2:25-cv-02477-DJC-DMC · Decided October 20, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissing Michael Ward's action as duplicative and/or for lack of subject-matter jurisdiction. The court also recommends denying Ward's motion to dismiss as moot and concludes that amendment would be futile.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 20, 2025
DOCKET	2:25-cv-02477-DJC-DMC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff removed a matter from Shasta County Superior Court and filed documents that appeared either to assert constitutional claims under 42 U.S.C. § 1983 or to seek federal review of a state misdemeanor appeal. The magistrate judge screened the complaint and issued findings and recommendations proposing dismissal of the action and denial as moot of Plaintiff's motion to dismiss.
STANDARD OF REVIEW	The court applied the mandatory screening standard under 28 U.S.C. § 1915(e)(2) and the requirement to dismiss an action at any time for lack of subject-matter jurisdiction under Federal Rule of Civil Procedure 12(h)(3).
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- subject matter jurisdiction
- section 1983
- civil procedure
- motions to dismiss
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed under the in forma pauperis screening statute because it failed to state an actionable claim or was duplicative.
2. Whether the federal court had subject-matter jurisdiction over Plaintiff's attempted removal or federal review of a state misdemeanor appeal.
3. Whether Plaintiff was entitled to leave to amend before dismissal.
4. Whether Plaintiff's motion to dismiss should be denied as moot.

HOLDINGS

1. The federal court lacked jurisdiction if Plaintiff intended to remove his state misdemeanor appeal or obtain federal review of that state proceeding, requiring dismissal under Federal Rule of Civil Procedure 12(h)(3).
2. A complaint filed by a litigant proceeding in forma pauperis must be dismissed if it is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant.
3. Plaintiff was not entitled to leave to amend because the deficiencies identified by the court could not be cured by amendment.

KEY QUOTATIONS

“Because it does not appear possible that the deficiencies identified herein can be cured by amending the complaint, Plaintiff is not entitled to leave to amend prior to dismissal of the entire action.” (lines 11-13)

FACTUAL BACKGROUND

Plaintiff, proceeding pro se and in forma pauperis, filed documents concerning a misdemeanor appeal and approximately 100 pages of allegations of constitutional violations arising from his November 4, 2023 arrest. The court found it unclear whether Plaintiff intended to bring a § 1983 action or remove his state appeal to federal court. It concluded that a § 1983 interpretation appeared duplicative of another federal action and that federal review of the state appeal would not fall within the court's jurisdiction.

PROCEDURAL HISTORY

Plaintiff removed the action from Shasta County Superior Court on August 29, 2025. The federal court reviewed the complaint under the in forma pauperis screening statute and considered subject-matter jurisdiction under Federal Rule of Civil Procedure 12(h)(3). It recommended dismissal as duplicative and/or for lack of jurisdiction, denial of Plaintiff's motion to dismiss as moot, and submission of the recommendations to the assigned district judge under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1126, 1131 (9th Cir. 2000) (en banc)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

Michael Ward v. People of the State of California

PER CURIAM.

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8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 MICHAEL WARD, No. 2:25-cv-02477-DJC-DMC

12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 PEOPLE OF THE STATE OF

CALIFORNIA,

15 Defendant. 16

17 18 Plaintiff, who is proceeding pro se, brings this civil action. Pending before the 19 Court is
Plaintiff's original complaint, ECF No. 1. Also pending before the Court is Plaintiff's 20 Motion
to Dismiss, ECF No. 4. 21 The Court is required to screen complaints brought by litigants who, as
here, have 22 been granted leave to proceed in forma pauperis. See 28 U.S.C. § 1915(e)(2). Under
this 23 screening provision, the Court must dismiss a complaint or portion thereof if it: (1) is
frivolous or 24 malicious; (2) fails to state a claim upon which relief can be granted; or (3) seeks
monetary relief 25 from a defendant who is immune from such relief. See 28 U.S.C. §§ 1915(e)(2)
(A), (B). 26 Moreover, pursuant to Federal Rule of Civil Procedure 12(h)(3), this Court must
dismiss an 27 action if the Court determines that it lacks subject matter jurisdiction. Pursuant to
Rule 12(h)(3), 28 the Court will also consider as a threshold matter whether it has subject-matter
jurisdiction.] Plaintiff removed this action from Shasta County Superior Court on August 29, 2 ||
2025. See ECF No. 1. The filed documents include a state notice to appeal a misdemeanor and 3 ||
100 pages of narrative allegation of constitutional violations arising from Plaintiff's November 4, 4
| 2023, arrest. See id. It is not entirely clear to the Court what course of action Plaintiff intended, 5
|| whether this be a §1983 claim or if Plaintiff is seeking federal review of Plaintiffs state appeal, 6
|| but either course is not actionable and therefore, the undersigned will recommend dismissal. 7 If
interpreted as a §1983 action alleging constitutional violations, Plaintiffs claims 8 | appear to be
duplicative of Plaintiffs claims in case number 2:24-cv-00978-TLN-AC, and 9 || therefore

dismissal would be appropriate. If Plaintiff instead intended to remove his state appeal 10 || to federal course, this Court does not have jurisdiction over such a matter. See Fed. R. Civ. P. 11 | 12(h)(3). Because it does not appear possible that the deficiencies identified herein can be cured 12 || by amending the complaint, Plaintiff is not entitled to leave to amend prior to dismissal of the 13 || entire action. See *Lopez v. Smith*, 203 F.3d 1122, 1126, 1131 (9th Cir. 2000) (en banc). 14 Based on the foregoing, the undersigned recommends: 15 1. This action be DISMISSED as duplicative and/or lack of jurisdiction; and 16 2. Plaintiff's Motion to Dismiss, ECF No. 4, be DENIED as MOOT. 17 These findings and recommendations are submitted to the United States District 18 || Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(I). Within 14 days 19 || after being served with these findings and recommendations, any party may file written 20 || objections with the court. Responses to objections shall be filed within 14 days after service of 21 || objections. Failure to file objections within the specified time may waive the right to appeal. See 22 || *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). 23 24 | Dated: October 20, 2025 Co

2 DENNIS M. COTA

26 UNITED STATES MAGISTRATE JUDGE

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