

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PRECEDENTIAL VALUE	nonprecedential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)

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