

**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

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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