

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Candace Smith v. Chase Bank, et al.

Smith v. Chase Bank · No. 1:25-cv-0330 JLT SKO · Decided May 7, 2025

OPINION

Smith v. Chase Bank

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 CANDACE SMITH,) Case No.: 1:25-cv-0330 JLT SKO) 12 Plaintiff,) ORDER
ADOPTING IN FULL THE FINDINGS

) AND RECOMMENDATIONS, DISMISSING THE

13 v.) ACTION WITHOUT PREJUDICE, AND

) DIRECTING THE CLERK OF COURT TO CLOSE

14 CHASE BANK, et al.,) THE CASE) 15 Defendants.) (Doc. 4)) 16 17 Candace Smith seeks
to hold several financial institutions—including Chase Bank, Wells Fargo, 18 Bank of America,
and Golden I Credit Union—as well as credit reporting companies liable for 19 violations of her
civil rights and a “stolen legacy.” (Doc. 1 at 1, 4.) Because Plaintiff is proceeding in 20 forma
pauperis, the magistrate judge screened Plaintiff’s complaint pursuant to 28 U.S.C. § 1915(e)(2).
21 (Doc. 4.) 22 The magistrate judge observed that Plaintiff indicated the basis of the Court’s
jurisdiction was 23 “federal question,” including “[i]ntentional setups by corrupt group,” violation
of her “civil rights” and 24 “stolen legacy.” (Doc. 4 at 2, citing Doc. 1 at 4.) The magistrate judge
found Plaintiff’s complaint did 25 not comply with the requirements of Rule 8 of the Federal
Rules of Civil Procedure because Plaintiff 26 relied “on conclusory statements.” (Id. at 3-4.) In
addition, the magistrate judge determined that 27 Plaintiff did not plead “any cognizable basis for
federal Court jurisdiction.” (Id. at 4, emphasis 28 omitted.) The magistrate judge explained
Plaintiff did not “specify a federal statute or constitutional 1 doctrine that gives rise to her claims.”
(Id. at 5.) Further, the magistrate judge found that to the extent 2 Plaintiff sought to hold the
defendants liable for violations of her civil rights, there was nothing to 3 support a conclusion the
private parties were acting under color of state law. (Id. at 5-6.) To the extent 4 Plaintiff’s
complaint could be construed to include a claim under the Racketeer Influenced and Corrupt 5
Organizations (RICO) Act, the magistrate judge found no allegations to support such a claim. (Id.
at 6 6.) Finally, the magistrate judge found there was not complete diversity amongst the parties,
such that 7 this Court’s diversity jurisdiction could be invoked. (Id. at 6-7.) Because Plaintiff has

repeatedly been 8 advised of the pleading and jurisdictional requirements and failed to satisfy the pleading obligations, 9 the magistrate judge found leave to amend would be futile. (Id. at 7-8.) Therefore, the magistrate 10 judge recommended the Court dismiss the complaint without prejudice and without leave to amend. 11 (Id. at 8.) 12 The Court served the Findings and Recommendations on Plaintiff and notified her that any 13 objections were due within 21 days. (Doc. 4 at 9.) The Court advised Plaintiff that the “failure to file 14 objections within the specified time may result in the waiver of rights on appeal.” (Id., citing *Wilkerson 15 v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Although the Court served Plaintiff at the only 16 address on record, the U.S. Postal Service returned the document marked “Undeliverable, Return to 17 Sender, Unable to Forward” on April 22, 2025. Nevertheless, the service upon Plaintiff is deemed fully 18 effective. See Local Rule 182(f) (“Each ... pro se party is under a continuing duty to notify the Clerk 19 and all other parties of any change of address or telephone number... . Absent such notice, service of 20 documents at the prior address of the attorney or pro se party shall be fully effective.”) Plaintiff did not 21 file objections, and the time to do so has passed. 22 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case. 23 Having carefully reviewed the entire matter, the Court concludes the Findings and Recommendations 24 are supported by the record and proper analysis. Thus, the Court ORDERS: 25 1. The Findings and Recommendations dated March 31, 2025 (Doc. 4) are ADOPTED in 26 full. 27 2. Plaintiff’s complaint is DISMISSED without prejudice for lack of jurisdiction. 28 /// 1 3. Leave to amend is DENIED as futile. 2 4. The Clerk of Court is directed to close this case. 3 4 IS SO ORDERED.

Dated: __May 7, 2025 Charis [Tourn

6 TED STATES DISTRICT JUDGE

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