

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Alvarez v. Morris Shea Bridge Company

Alvarez · No. 1:24-cv-01487-KES-BAM · Decided May 28, 2025

SUMMARY

The United States District Court for the Eastern District of California vacated previously issued Findings and Recommendations recommending dismissal of Sergio Alvarez’s action against Morris Shea Bridge Company. The court explained that the Ninth Circuit had dismissed Alvarez’s appeal in a related case, so the appeal was no longer pending, and stated that the complaint would be screened under 28 U.S.C. § 1915(e)(2) before service.

OPINION

Alvarez v. Morris Shea Bridge Company

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 SERGIO ALVAREZ, Case No. 1:24-cv-01487-KES-BAM 12 Plaintiff, ORDER
VACATING FINDINGS AND

RECOMMENDATIONS

13 v. (Doc. 4)

14 MORRIS SHEA BRIDGE COMPANY,

15 Defendant. 16

17 18 Plaintiff Sergio Alvarez (“Plaintiff”), proceeding pro se and in forma pauperis, filed this 19
civil action on December 6, 2024. (Doc. 1.) Plaintiff asserts a claim for fraud against Defendant
20 Morris Shea Bridge Company, alleging that he was “laid off and [he] wrote a note and sign to
21 mail [his] check and they change the words on the note.” (Id. at 6.) He seeks \$100,000.00. (Id.
22 at 5.) 23 On February 5, 2025, the undersigned issued Findings and Recommendations that 24
recommended this action be dismissed because Plaintiff previously pursued this same claim 25
before this Court in Alvarez v. Morris Shea Bridge Company, Case No. 1:23-cv-01725-JLT- 26
BAM,¹ and, although dismissed without prejudice, his appeal of that action remained pending 27
1 A court may take judicial notice of its own records. United States v. Wilson, 631 F.2d 118, 119
(9th Cir. 28 1980) (“[A] court may take judicial notice of its own records in other cases.”). 1
before the Ninth Circuit Court of Appeals. 2 On March 11, 2025, while the Findings and
Recommendations remained pending, the 3 Ninth Circuit dismissed Plaintiff’s appeal. (See

Alvarez, Case No. 1:23-cv-01725-JLT-BAM,

4 Doc. 45.) That order became effective April 1, 2025. (Id.) Accordingly, because the appeal is no
5 longer pending, the Findings and Recommendations issued in this action are HEREBY 6
VACATED. 7 Plaintiff is reminded that the Court is required to screen complaints of pro se
litigants 8 proceeding in forma pauperis pursuant to Title 28 of the United States Code section
1915(e)(2). 9 The Court must dismiss a complaint or portion thereof if the action is legally
“frivolous or 10 malicious,” fails to state a claim upon which relief may be granted, or seeks
monetary relief 11 against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)
(B). As a result, no 12 summons will issue at this time. The Court will direct the United States
Marshal to serve 13 Plaintiff’s complaint only after the Court has screened the complaint and
determined that it 14 contains cognizable claims for relief against the named defendant. The Court
will screen 15 Plaintiff’s complaint in due course. 16 IT IS SO ORDERED. 17 18 Dated: May 27,
2025 /s/ Barbara A. McAuliffe _

UNITED STATES MAGISTRATE JUDGE

19 20 21 22 23 24 25 26 27 28