UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

Dunn v. Noble Credit Union

Dunn · No. 1:25-cv-00561-SKO · Decided June 25, 2025

SUMMARY

The United States District Court for the Eastern District of California screened Alana Dunn's amended complaint against Noble Credit Union and found that it failed to comply with Federal Rule of Civil Procedure 8 and did not establish federal-question or diversity jurisdiction. The court granted one final opportunity to amend within 30 days, or alternatively to stand on the current complaint or voluntarily dismiss the action.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 25, 2025
DOCKET	1:25-cv-00561-SKO
DISPOSITION	other
PROCEDURAL POSTURE	The court screened plaintiff's amended complaint under the in forma pauperis screening statute and issued a second screening order granting one final opportunity to amend.
STANDARD OF REVIEW	The court applied the screening standard under 28 U.S.C. § 1915(e)(2), dismissing complaints that are frivolous, malicious, fail to state a claim, or seek relief from an immune defendant. Failure to state a claim is assessed for a cognizable legal theory and sufficient supporting facts, while factual allegations are accepted as true and legal conclusions are not.
PRECEDENTIAL VALUE	unknown

TOPICS

pleadings · subject matter jurisdiction · civil procedure

PRACTICE AREAS

civil procedure | subject matter jurisdiction | consumer protection | commercial litigation

QUESTIONS PRESENTED

1. Whether the amended complaint complied with Federal Rule of Civil Procedure 8(a)'s requirement of a short and plain statement showing entitlement to relief.
2. Whether the amended complaint stated a cognizable federal claim and established federal-question jurisdiction.
3. Whether the allegations established diversity jurisdiction.
4. Whether plaintiff should receive one final opportunity to amend the complaint.

HOLDINGS

1. The amended complaint failed to comply with Federal Rule of Civil Procedure 8(a) because it relied on conclusory statements, did not provide sufficient factual allegations, and did not clearly identify the claims or the defendants against whom those claims were asserted.
2. The amended complaint did not establish federal-question jurisdiction because the criminal statutes invoked by plaintiff do not provide private civil causes of action, and the CFAA allegations did not identify a qualifying violation or the facts necessary to support one.
3. The amended complaint did not establish diversity jurisdiction because plaintiff alleged that she and the defendants were citizens of California.
4. The court granted plaintiff one final opportunity to amend because the pleading defects might be cured by additional factual allegations establishing cognizable claims and subject matter jurisdiction.

KEY QUOTATIONS

> *"A case 'arises under' federal law either where federal law creates the cause of action or 'where the vindication of a right under state law necessarily turn[s] on some construction of federal law.'"* (at 4)

> *"federal jurisdiction exists only when a federal question is presented on the face of the plaintiff's properly pleaded complaint."* (at 4)

> *"A civil action for a violation of this section may be brought only if the conduct involves 1 of the factors set forth in subclauses (I), (II), (III), (IV), or (V) of subsection (c)(4)(A)(i)."* (at 5)

> *"Factual allegations must be [sufficient] to raise a right to relief above the speculative level."* (at 7)

FACTUAL BACKGROUND

The amended complaint was a 37-page handwritten pleading alleging that Noble Credit Union Basic withdrew money without plaintiff's consent and concealed the withdrawal. Plaintiff invoked several federal criminal statutes, including the mail-fraud, wire-fraud, identity-fraud, and Computer Fraud and Abuse Act provisions. The pleading did not identify the specific conduct of each defendant, the legal theory supporting liability, or facts establishing federal-question or diversity jurisdiction.

PROCEDURAL HISTORY

Plaintiff filed a civil complaint on May 12, 2025, and proceeded pro se and in forma pauperis. After an earlier screening order found no cognizable claims and granted leave to amend, plaintiff filed an amended complaint on June 9, 2025. The court found that the amended complaint still failed to comply with Federal Rule of Civil Procedure 8 and did not establish federal-question or diversity jurisdiction, but allowed one final amendment and set a thirty-day deadline.

DISPOSITION

other

CASES CITED

- Cato v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995)
- Barren v. Harrington, 152 F.3d 1193 (9th Cir. 1998)
- Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir. 2000) (en banc)
- Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1990)
- Brazil v. U.S. Dep't of the Navy, 66 F.3d 193, 199 (9th Cir. 1995)
- McKeever v. Block, 932 F.2d 795, 798 (9th Cir. 1991)
- Swierkiewicz v. Sorema N.A., 534 U.S. 506, 512-13 (2002)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010)
- Neitze v. Williams, 490 U.S. 319, 330 n.9 (1989)
- Bruns v. Nat'l Credit Union Admin., 122 F.3d 1251, 1257 (9th Cir. 1997)
- Doe I v. Wal-Mart Stores, Inc., 572 F.3d 677, 681 (9th Cir. 2009)
- U.S. v. Sumner, 226 F.3d 1005, 1009 (9th Cir. 2000)
- Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 377 (1994)
- Republican Party of Guam v. Gutierrez, 277 F.3d 1086, 1088-89 (9th Cir. 2002)
- Franchise Tax Bd. v. Construction Laborers Vacation Trust, 463 U.S. 1, 8-9 (1983)
- Caterpillar, Inc. v. Williams, 482 U.S. 386, 392 (1987)
- Cal. Diversified Promotions, Inc. v. Musick, 505 F.2d 278, 280 (9th Cir. 1974)
- Thompson v. McCombe, 99 F.3d 352, 353 (9th Cir. 1996)
- Kenney v. Bank of Am., N.A., No. 2:25-CV-02726-MWC-PVC, 2025 WL 1489549, at *3 (C.D. Cal. May 23, 2025)
- Hacker v. Hacker, No. 1:15-cv-01258 JAM MJS, 2015 WL 8780561, at *3 (E.D. Cal. Dec. 15, 2015)
- Aguirre v. Cal-W. Reconveyance Corp., No. CV 11-6911 CAS (AGRx), 2012 WL 273753, at *10 (C.D. Cal. Jan. 30, 2012)

- Schneider v. Bank of Am. N.A., No. 2:11-2953 LKK DAD PS, 2012 WL 761975, at *8 (E.D. Cal. Mar. 6, 2012)
- Dyson v. Utigard, 163 F.3d 607, 607 (9th Cir. 1998)
- LVRC Holdings LLC v. Brekka, 581 F.3d 1127, 1131-32 (9th Cir. 2009)
- Strawbridge v. Curtiss, 7 U.S. 267 (1806)
- Bly-Magee v. California, 236 F.3d 1014, 1019 (9th Cir. 2001)
- Chang v. Chen, 80 F.3d 1293, 1296 (9th Cir. 1996)
- Sateriale v. R.J. Reynolds Tobacco Co., 697 F.3d 777, 794 (9th Cir. 2012)
- Miller v. Yokohama Tire Corp., 358 F.3d 616, 622 (9th Cir. 2004)
- Lacey v. Maricopa Cty., 693 F.3d 896, 907 n.1 (9th Cir. 2012)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)

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