

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Swartz v. State of California

Swartz · No. 2:25-cv-00902-DC-CSK PS · Decided June 20, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends denying Jesse F. Swartz’s application to proceed in forma pauperis and dismissing his Second Amended Complaint without leave to amend. The court concludes that the complaint fails to establish subject-matter jurisdiction, does not satisfy Federal Rule of Civil Procedure 8, and asserts claims against the State of California that are barred by Eleventh Amendment immunity. The document also orders certain docket corrections and recommends that related motions be denied as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 20, 2025
DOCKET	2:25-cv-00902-DC-CSK PS
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se plaintiff sought leave to proceed in forma pauperis and filed successive pleadings asserting constitutional and RICO claims. The magistrate judge construed the second amended complaint as the operative complaint and issued findings and recommendations recommending denial of in forma pauperis status and dismissal without leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), an in forma pauperis action must be dismissed if it is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The court accepts factual allegations as true unless clearly baseless or fanciful, construes them in the plaintiff’s favor, and liberally construes pro se pleadings, but need not accept conclusory allegations, unreasonable inferences, or unwarranted deductions. Subject-matter jurisdiction must also be considered sua sponte.

PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jesse F. Swartz v. State of California

TOPICS

subject matter jurisdiction section 1983 eleventh amendment immunity pleadings
 motion for judgment on the pleadings

PRACTICE AREAS

civil procedure civil rights constitutional law federal jurisdiction remedies

QUESTIONS PRESENTED

1. Whether the plaintiff's in forma pauperis application should be denied because the proposed action was facially frivolous, lacked subject-matter jurisdiction, and failed to state a claim.
2. Whether the second amended complaint established federal-question or diversity jurisdiction.
3. Whether the second amended complaint complied with Federal Rule of Civil Procedure 8.
4. Whether the claims against the State of California were barred by Eleventh Amendment immunity and the requirement that a § 1983 defendant be a person.
5. Whether the second amended complaint should be dismissed without leave to amend as futile.

HOLDINGS

1. A court may deny leave to proceed in forma pauperis at the outset when the proposed complaint is facially frivolous or without merit, including when it fails to state a claim or lacks subject-matter jurisdiction.
2. The second amended complaint did not establish federal-question jurisdiction or diversity jurisdiction, so the court lacked subject-matter jurisdiction.
3. The second amended complaint failed to comply with Rule 8 because it did not provide a short and plain statement identifying specific defendants, actionable conduct, and the legal grounds for the claims.
4. The claims against the State of California were barred because a state is not a person subject to suit under § 1983 and is immune from such suit under the Eleventh Amendment.
5. Leave to amend should be denied because amendment would be futile in light of the lack of subject-matter jurisdiction, Eleventh Amendment immunity, and the fundamental deficiencies in the pleading.

KEY QUOTATIONS

"Subject-matter jurisdiction can never be waived or forfeited," (at 6)

"A formulaic recitation of the elements of a cause of action does not suffice to state a claim." (at 8)

FACTUAL BACKGROUND

Swartz filed a pro se federal action seeking declaratory and monetary relief against the State of California, later adding the Democratic Party and Governor Gavin Newsom. His operative second amended complaint alleged that unidentified entities or persons conducted a campaign of harassment and harm against him, including interference with employment, reputational harm, physical alteration, assaults, monitoring, and entrapment. He asserted claims under 42 U.S.C. § 1983, the Eighth and Fourteenth Amendments, and RICO, but the court found the allegations conclusory and insufficient to establish either a federal claim or diversity jurisdiction.

PROCEDURAL HISTORY

Plaintiff filed the action on March 20, 2025, followed by a supplement, a first amended complaint, and a second amended complaint. The court excused the untimely filing of the second amended complaint and construed it as operative, disregarded later exhibits that purported to add claims, granted in part and denied in part a request to correct the docket, and recommended dismissal without leave to amend. The recommendations were submitted to the assigned district judge under 28 U.S.C. § 636(b)(1), subject to objections.

DISPOSITION

dismissed

CASES CITED

- Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015)
- Minetti v. Port of Seattle, 152 F.3d 1113, 1115 (9th Cir. 1998)
- Tripati v. First National Bank & Trust, 821 F.2d 1368, 1370 (9th Cir. 1987)
- McGee v. Department of Child Support Services, 584 Fed. App'x 638 (9th Cir. 2014)
- Smart v. Heinze, 347 F.2d 114, 116 (9th Cir. 1965)
- Lopez v. Smith, 203 F.3d 1122, 1126-27, 1130-31 (9th Cir. 2000) (en banc)
- Neitzke v. Williams, 490 U.S. 319, 325, 327 (1989)
- Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011)
- Hebbe v. Pliler, 627 F.3d 338, 342 & n.7 (9th Cir. 2010)
- Western Mining Council v. Watt, 643 F.2d 618, 624 (9th Cir. 1981)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Cahill v. Liberty Mutual Insurance Co., 80 F.3d 336, 339 (9th Cir. 1996)
- Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1051-52 (9th Cir. 2003)
- Forman v. Davis, 371 U.S. 178, 182 (1962)
- Kokkonen v. Guardian Life Insurance Co., 511 U.S. 375, 377 (1994)
- Casey v. Lewis, 4 F.3d 1516, 1519 (9th Cir. 1993)
- Bender v. Williamsport Area School District, 475 U.S. 534, 546 (1986)

- *Morongo Band of Mission Indians v. California State Board of Equalization*, 858 F.2d 1376, 1380 (9th Cir. 1988)
- *Gonzalez v. Thaler*, 565 U.S. 134, 141 (2012)
- *Kimes v. Stone*, 84 F.3d 1121, 1129 (9th Cir. 1996)
- *Jones v. Community Redevelopment Agency*, 733 F.2d 646, 649 (9th Cir. 1984)
- *McHenry v. Renne*, 84 F.3d 1172, 1178-80 (9th Cir. 1996)
- *Cortez v. County of Los Angeles*, 294 F.3d 1186, 1188 (9th Cir. 2002)
- *Will v. Michigan Department of State Police*, 491 U.S. 58, 70-71 (1989)
- *Swartz v. Alsup*, No. 2:24-cv-02112-DC-CSK PS, 2025 WL 82133 (E.D. Cal. Jan. 13, 2025)
- *Cato v. United States*, 70 F.3d 1103, 1105-06 (9th Cir. 1995)
- *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998)
- *Martinez v. Yist*, 951 F.2d 1153, 1156-57 (9th Cir. 1991)

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