

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Fletcher Sherman Legardy v. State of California, et al.

No. 2:22-cv-01881 KJM AC PS (E.D. Cal. Mar. 6, 2023) · No. No. 2:22-cv-01881 KJM AC PS · Decided March 6, 2023

SUMMARY

The United States District Court for the Eastern District of California adopts the magistrate judge’s findings and recommendations after the pro se plaintiff filed no objections. The court dismisses all claims against all defendants with prejudice, concluding that amendment would be futile, and closes the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 6, 2023
DOCKET	No. 2:22-cv-01881 KJM AC PS
DISPOSITION	dismissed
PROCEDURAL POSTURE	District court review and adoption of a magistrate judge's findings and recommendations after plaintiff failed to file objections.
STANDARD OF REVIEW	Findings of fact were presumed correct; conclusions of law were reviewed de novo.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- standing
- federal spending
- appropriations
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- constitutional law
- federal spending

QUESTIONS PRESENTED

- Whether the magistrate judge's findings and recommendations should be adopted when plaintiff filed no objections.

2. Whether plaintiff could amend his complaint to state a viable claim based on disagreement with federal appropriation decisions.
3. Whether the action should be dismissed with prejudice.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations in full because they were supported by the record and proper legal analysis, and plaintiff filed no objections.
2. To the extent plaintiff's claim was premised on disagreement with federal government appropriation decisions, amendment would be futile because the asserted taxpayer interest was too generalized and indirect to support judicial relief.
3. All claims against all defendants were dismissed with prejudice, and the case was closed.

KEY QUOTATIONS

“Although the specific contours of plaintiff's allegations are difficult to understand, insofar as plaintiff's claim is premised on his disagreement with the federal government's appropriation decisions, plaintiff could not amend his complaint to state a claim.” (Opinion at 2)

“All claims against all defendants are DISMISSED with prejudice;” (Opinion at 2)

FACTUAL BACKGROUND

Fletcher Sherman Legardy filed the action pro se and attached letters that appeared to challenge federal government appropriation decisions. The court found the specific contours of the allegations difficult to understand. To the extent the claim was based on disagreement with federal appropriation decisions, the court concluded that the claim could not be amended into a viable claim.

PROCEDURAL HISTORY

Plaintiff, proceeding pro se, filed this action, which was referred to a magistrate judge under Local Rule 302(c) (21). The magistrate judge issued findings and recommendations on October 27, 2022, recommending disposition of the action. Plaintiff did not object within the prescribed period. The district court reviewed the findings and recommendations, adopted them in full, determined that amendment would be futile as to the federal-appropriation theory, dismissed all claims against all defendants with prejudice, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979)
- Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007)
- Massachusetts v. Mellon, 262 U.S. 447, 487 (1923)

OPINION

(PS) Legardy v. State of California

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 FLETCHER SHERMAN LEGARDY, No. 2:22-cv-01881 KJM AC PS

12 Plaintiff, 13 v. ORDER 14 STATE OF CALIFORNIA, et al., 15 Defendants. 16 17 Plaintiff,
proceeding pro se, filed the above-entitled action. The matter was referred to a 18 United States
Magistrate Judge as provided by Local Rule 302(c)(21). 19 On October 27, 2022 the magistrate
judge filed findings and recommendations, which 20 were served on plaintiff and which contained
notice to plaintiff that any objections to the findings 21 and recommendations were to be filed
within 21 days. ECF No. 3. Plaintiff has not filed 22 objections to the findings and
recommendations. 23 The court presumes that any findings of fact are correct. See *Orand v. United*
States, 24 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are
reviewed 25 de novo. See *Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007)
("[D]eterminations of law 26 by the magistrate judge are reviewed de novo by both the district
court and [the appellate] court 27 . . ."). Having reviewed the file, the court finds the findings and
recommendations to be 28 supported by the record and by the proper analysis.] The court further
notes plaintiff appears to dispute federal appropriation of funds, based 2 | on plaintiffs attached
letters. Although the specific contours of plaintiff's allegations are 3 || difficult to understand,
insofar as plaintiffs claim is premised on his disagreement with the 4 || federal government's
appropriation decisions, plaintiff could not amend his complaint to state a 5 || claim. See
Massachusetts v. Mellon, 262 U.S. 447, 487 (1923) ("[The taxpayer's] interest in the 6 || moneys
of the treasury—partly realized from taxation and partly from other sources—is shared 7 || with
millions of others, is comparatively minute and indeterminable, and the effect upon future 8 |
taxation, of any payment out of the funds, so remote, fluctuating and uncertain, that no basis is 9 ||
afforded for an appeal to the preventive powers of a court of equity."). For this reason, in 10 ||
addition to those identified by the magistrate judge, leave to amend would be futile. 11
Accordingly, IT IS HEREBY ORDERED that: 12 1. The findings and recommendations filed
October 27, 2022, are adopted in full; 13 2. All claims against all defendants are DISMISSED with
prejudice; and 14 3. This case is closed. 15 || DATED: March 6, 2023. 16 17

13 CHIEF ED STATES DISTRICT JUDGE

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