

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Newson v. Chen

Newson · No. 2:24-cv-00558-DAD-AC (PS) · Decided April 16, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and dismissed James Newson’s second amended complaint against Nan Chen. The court held that the complaint failed to state a constitutional claim and that plaintiff’s objections, including sovereign-citizen arguments, did not warrant rejecting the recommendations. The dismissal was without leave to amend, and the case was closed.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dale A. Drozd
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 16, 2025
DOCKET	2:24-cv-00558-DAD-AC (PS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff proceeding pro se and in forma pauperis filed a second amended civil-rights complaint. After a magistrate judge recommended dismissal for failure to state a claim, plaintiff filed objections and moved for leave to amend those objections. The district court conducted de novo review, adopted the findings and recommendations, denied the motion as moot, and dismissed the complaint without leave to amend.
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1)(C).
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- motions to dismiss
- pleadings
- civil procedure
- fourteenth amendment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge properly recommended dismissal of plaintiff's second amended complaint for failure to state a claim.
2. Whether plaintiff's objections established a basis to reject the findings and recommendations.
3. Whether plaintiff should receive further leave to amend after two prior opportunities to amend.

HOLDINGS

1. The second amended complaint failed to state a claim because it did not allege facts showing that defendant violated a specific constitutional right or otherwise plead facts essential to a claim.
2. After conducting de novo review, the district court adopted the findings and recommendations in full because they were supported by the record and proper analysis.
3. Further leave to amend was denied because plaintiff had already received two prior opportunities to amend and had failed to cure several fundamental deficiencies.

KEY QUOTATIONS

“the findings and recommendations are supported by the record and by proper analysis.” (at 3)

“Plaintiff's second amended complaint (Doc. No. 6) is DISMISSED, without leave to amend” (at 3)

FACTUAL BACKGROUND

Plaintiff alleged that defendant Nan Chen, the chief financial officer of the California State Disbursement Unit, caused his wages to be garnished and his driver's license to be taken without giving him an opportunity to present reasons against those actions. Plaintiff attached a notice showing a past-due child-support balance of \$141,731.55. The district court found that the second amended complaint contained too few factual allegations and did not identify facts establishing a violation of a specific constitutional right.

PROCEDURAL HISTORY

James Newson initiated the action on February 22, 2024, and filed a second amended complaint alleging that Nan Chen violated his Fourteenth Amendment rights by garnishing wages and causing his driver's license to be taken without an opportunity to be heard. The magistrate judge recommended dismissal for failure to state a claim and without further leave to amend because plaintiff had already received two opportunities to amend and had failed to cure fundamental deficiencies. Plaintiff timely objected and later sought leave to amend his objections. The district court reviewed the matter de novo, rejected the objections, adopted the recommendation in full, dismissed the second amended complaint without leave to amend, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Kopp v. Tice-Raskin, No. 2:23-cv-02631-DAD-SCR (PS), 2024 WL 4527369, at *1 (E.D. Cal. Oct. 18, 2024)
- Caetano v. Internal Revenue Serv., No. 1:22-cv-00837-JLT-SAB, 2023 WL 3319158 (E.D. Cal. May 9, 2023)

OPINION

(PS) Newson v. Chen

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 JAMES NEWSON, No. 2:24-cv-00558-DAD-AC (PS)

12 Plaintiff,

13 v. ORDER ADOPTING FINDINGS AND

RECOMMENDATIONS AND DISMISSING

14 NAN CHEN, Chief Financial Officer of PLAINTIFF’S SECOND AMENDED California State
Disbursement Unit, COMPLAINT 15 Defendant. (Doc. Nos. 7, 9) 16 17 Plaintiff James Newson,
proceeding pro se and in forma pauperis, initiated this civil 18 action on February 22, 2024. (Doc.
No. 1.) The matter was referred to a United States Magistrate 19 Judge pursuant to 28 U.S.C. §
636(b)(1)(B) and Local Rule 302. 20 On October 25, 2024, the assigned magistrate judge issued
findings and recommendations 21 recommending that plaintiff’s second amended complaint
(“SAC”) (Doc. No. 6) be dismissed for 22 failure to state a claim. (Doc. No. 7.) In the pending
findings and recommendations, the 23 magistrate judge noted that plaintiff’s SAC, “like plaintiff’s
first two complaints, is brief and 24 contains very few factual allegations.” (Id. at 3.) The
magistrate judge observed that plaintiff 25 alleges that defendant Chen violated plaintiff’s
Fourteenth Amendment rights by “taking away 26 [his] driver license and garnishing any type of
wages [he] may earn and never giving [him] an 27 opportunity to present [a] reason why such
action should have not taking [sic] place,” but his 28 SAC “does not contain factual allegations
showing that Ms. Chen violated any specific 1 constitutional right” and “does not state facts
essential to a claim.” (Id. at 3–4.) In light of 2 plaintiff having had two prior opportunities to
amend his complaint, the court’s prior “guidance 3 . . . regarding elements of claims and
presentation of facts,” and plaintiff’s “fail[ure] to cure 4 several fundamental deficiencies of the
original and First Amended Complaint,” the magistrate 5 judge concluded that the SAC should be
dismissed, without further leave to amend. (Id. at 5.) 6 Those pending findings and
recommendations were served on plaintiff and contained notice that 7 any objections thereto were
to be filed within twenty-one (21) days after service. (Id.) On

8 November 13, 2024, plaintiff timely filed objections to the pending findings and

9 recommendations. (Doc. No. 8.) On February 5, 2025, plaintiff filed a motion for leave to amend

10 his objections, including therein additional objections for the court's consideration. (Doc. No. 9.) 11 In plaintiff's initial objections, he states that defendant Chen caused his account "to be 12 penalized for nonpayment . . . allowing federal laws to garnish wages and take away driver 13 license which now creates monetary loss and emotional damages." (Doc. No. 8 at 2.) He also 14 attaches to his objections a notice from the San Joaquin County Department of Child Support 15 Services indicating that plaintiff has a past due balance owing in the amount of \$141,731.55. (Id. 16 at 3-5.) However, plaintiff's objections do not contain any additional proposed factual 17 allegations in support of any claim brought in his SAC. 18 Plaintiff's subsequent objections, included in his motion for leave to amend his objections, 19 are clearly based in sovereign citizen ideology. (Doc. No. 9.) Plaintiff describes "the principal 20 JAMES NEWSON" as the "legally created entity," and the "agent/beneficiary Newson, James- 21 Edward" as "the living man." (Doc. No. 9 at 3.) Plaintiff argues that defendant Chen "fails to 22 recognize the lawful distinction between agent [] and the principal" and "operates under a legal 23 fiction that unjustly burdens the private, legal man." (Id. at 5.) This is a frivolous argument 24 which also does not meaningfully address the analysis set forth in the pending findings and 25 recommendations. See *Kopp v. Tice-Raskin*, No. 2:23-cv-02631-DAD-SCR (PS), 2024 WL 26 4527369, at *1 (E.D. Cal. Oct. 18, 2024) (finding the plaintiff's objections based in sovereign 27 citizen ideology to be "frivolous"); see also *Caetano v. Internal Revenue Serv.*, No. 1:22-cv- 28 00837-JLT-SAB, 2023 WL 3319158 (E.D. Cal. May 9, 2023) (collecting cases which describe 1 | and evaluate sovereign citizen arguments), report and recommendation adopted, No. 1:22-cv- 2 | 00837-JLT-SAB, 2023 WL 4087634 (E.D. Cal. June 20, 2023). Accordingly, the court finds that 3 | none of plaintiff's arguments presented in either of his filed objections present a basis upon which 4 | to reject the magistrate judge's recommendations. 5 In accordance with the provisions of 28 U.S.C. § 636(b)(1) (C), this court has conducted a 6 | de novo review of the case. Having carefully reviewed the entire file, the court concludes that the 7 | findings and recommendations are supported by the record and by proper analysis. 8 Accordingly, 9 1. The findings and recommendations issued on October 25, 2024 (Doc. No. 7) are 10 ADOPTED in full; 11 2. Plaintiff's motion for leave to amend his objections (Doc. No. 9) is DENIED as 12 moot, given the court's consideration of his additional objections filed therein 13 within this order; 14 3. Plaintiff's second amended complaint (Doc. No. 6) is DISMISSED, without leave 15 to amend; and 16 4. The Clerk of Court is directed to CLOSE this case. 17 IT IS SO ORDERED. ' | Dated: _ April 16, 2025 Da A. 2,

19 DALE A. DROZD

30 UNITED STATES DISTRICT JUDGE

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