

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Newsom v. Chen

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

OPINION

(PS) Newsom v. Chen

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 JAMES NEWSOM, 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 Newsom,
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
10 amend 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
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
21 22 23 24 25 26 27 28

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