

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Wu v. Kerstenzis

Wu v. Kerstenzis · No. 2:24-cv-3353-DJC-JDP (PS) · Decided February 28, 2025

SUMMARY

The United States District Court for the Eastern District of California dismisses Rebecca Wu’s pro se complaint concerning the termination of her teaching job, while granting leave to amend. The court identifies potential barriers arising from the Younger abstention and Rooker-Feldman doctrines because of related state-court litigation. The court also grants plaintiff’s application to proceed in forma pauperis and requires an amended complaint or voluntary dismissal within thirty days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 28, 2025
DOCKET	2:24-cv-3353-DJC-JDP (PS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff brought an action alleging that defendants violated her rights by terminating her teaching job. The court screened the complaint under the in forma pauperis statute, dismissed it with leave to amend, and granted leave to proceed in forma pauperis.
STANDARD OF REVIEW	The court screened the complaint under 28 U.S.C. § 1915(e), determining whether any claim was frivolous or malicious, failed to state a claim upon which relief may be granted, or sought monetary relief from an immune defendant. It applied the Rule 8 and plausibility standards and construed the pro se complaint liberally.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive rather than precedential.
PARTIES	Rebecca Wu v. Cost Kerstenzis, et al.

TOPICS

- pleadings
- civil procedure
- section 1983
- subject matter jurisdiction
- motions to dismiss

PRACTICE AREAS

Civil procedure

Civil rights

Employment law

Federal jurisdiction

QUESTIONS PRESENTED

1. Whether the complaint stated a cognizable claim for relief under the pleading standards applicable to an in forma pauperis action.
2. Whether related ongoing state-court proceedings required federal abstention under *Younger v. Harris*.
3. Whether finalized state-court proceedings potentially deprived the federal district court of subject matter jurisdiction under the Rooker-Feldman doctrine.
4. Whether plaintiff should be granted leave to amend after dismissal of the complaint.

HOLDINGS

1. A federal court must screen a complaint filed by a claimant proceeding in forma pauperis and dismiss claims that are frivolous or malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from an immune defendant.
2. A pro se plaintiff must allege sufficient facts identifying each claim and each defendant's involvement; liberal construction cannot supply essential elements that were not pleaded.
3. Related ongoing state-court proceedings may require the federal court to abstain from interfering under *Younger v. Harris*.
4. Finalized state-court proceedings may implicate the Rooker-Feldman doctrine, which bars a federal district court from exercising subject matter jurisdiction over a de facto appeal from a state-court judgment.
5. The complaint was dismissed with leave to amend, and plaintiff was given thirty days to file an amended complaint or a notice of voluntary dismissal.

KEY QUOTATIONS

"A federal court must screen the complaint of any claimant seeking permission to proceed in forma pauperis." (1)

"The ongoing cases implicate the abstention doctrine in Younger v. Harris, 401 U.S. 37, 43-54 (1971), which commands federal courts to refrain from interfering in parallel state court proceedings in most circumstances." (2)

"The finalized cases potentially implicate the Rooker-Feldman doctrine, which "prohibits a federal district court from exercising subject matter jurisdiction over a suit that is a de facto appeal from a state court judgment."" (2)

"If plaintiff decides to file an amended complaint, the amended complaint will supersede the current one." (2)

FACTUAL BACKGROUND

Rebecca Wu alleged that various defendants violated her rights by terminating her teaching job. The complaint was lengthy and disorganized and concerned claims that had been the subject of substantial, partly ongoing litigation in state court. The court noted that at least four related state cases appeared to remain ongoing and that other state litigation had concluded, potentially implicating Younger abstention and the Rooker-Feldman doctrine.

PROCEDURAL HISTORY

Plaintiff filed a complaint and an application to proceed in forma pauperis. The court granted the in forma pauperis application, screened the complaint, found that the claims were inadequately pleaded and potentially implicated Younger abstention and Rooker-Feldman jurisdictional limitations because of related state-court litigation, and dismissed the complaint with thirty days to amend or voluntarily dismiss. The court stated that failure to do so could result in a recommendation of dismissal with prejudice.

DISPOSITION

dismissed

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Kobold v. Good Samaritan Reg'l Med. Ctr., 832 F.3d 1024, 1038 (9th Cir. 2016)
- Nagrampa v. MailCoups, Inc., 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Hayes v. Idaho Corr. Ctr., 849 F.3d 1204, 1208 (9th Cir. 2017)
- Bruns v. Nat'l Credit Union Admin., 122 F.3d 1251, 1257 (9th Cir. 1997)
- Ivey v. Bd. of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Younger v. Harris, 401 U.S. 37, 43-54 (1971)
- Kougasian v. TMSL, Inc., 359 F.3d 1136, 1139 (9th Cir. 2004)
- Wu v. Twin Rivers United Educators, No. 2:24-cv-2707-DAD-AC (E.D. Cal. Oct. 29, 2024), ECF No. 3
- Lacey v. Maricopa Cnty., 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 REBECCA WU, Case No. 2:24-cv-3353-DJC-JDP (PS) 12 Plaintiff, 13 v.
ORDER 14 COST KERESTENZIS, et al., 15 Defendants. 16 17 Plaintiff, proceeding without
counsel, brings this action against various defendants, 18 alleging that they violated her rights by
terminating her teaching job.

ECF No. 1 at 6. Her 19 complaint cannot proceed as articulated. I will dismiss the complaint and
give plaintiff a chance 20 to amend her complaint before recommending dismissal of the case. I

will also grant her 21 application to proceed in forma pauperis, ECF No. 2, which makes the showing required by 28 U.S.C. §§ 1915(a)(1) and (2). 23 Screening and Pleading Requirements 24 A federal court must screen the complaint of any claimant seeking permission to proceed 25 in forma pauperis.

See 28 U.S.C. § 1915(e). The court must identify any cognizable claims and 26 dismiss any portion of the complaint that is frivolous or malicious, fails to state a claim upon 27 which relief may be granted, or seeks monetary relief from a defendant who is immune from such 28 relief. *Id.* 1 A complaint must contain a short and plain statement that plaintiff is entitled to relief, 2 Fed.

R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its 3 face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not 4 require detailed allegations, but legal conclusions do not suffice. See *Ashcroft v. Iqbal*, 556 U.S. 5 662, 678 (2009). If the allegations “do not permit the court to infer more than the mere 6 possibility of misconduct,” the complaint states no claim.

Id. at 679. The complaint need not 7 identify “a precise legal theory.” *Kobold v. Good Samaritan Reg’l Med. Ctr.*, 832 F.3d 1024, 8 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—a set of “allegations that 9 give rise to an enforceable right to relief.” *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264 10 n.2 (9th Cir. 2006) (en banc) (citations omitted).

11 The court must construe a pro se litigant’s complaint liberally. See *Haines v. Kerner*, 404 12 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant’s complaint “if it 13 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which 14 would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir.

2017). 15 However, “a liberal interpretation of a civil rights complaint may not supply essential elements 16 of the claim that were not initially pled.” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 17 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 18 Analysis 19 The particulars of plaintiff’s complaint are somewhat obscured by length and lack of 20 organization, but it is apparent that the claims at issue here have been the subject of substantial 21 and, in some cases, ongoing litigation in state court.

Plaintiff acknowledges this explicitly. ECF 22 No. 1 at 36-38. Some of this litigation has concluded, but at least four cases appear ongoing 23 insofar as they are labelled “not final.” *Id.* This state litigation, both finalized and ongoing, 24 presents obstacles to the current litigation.

The ongoing cases implicate the abstention doctrine in 25 *Younger v. Harris*, 401 U.S. 37, 43-54 (1971), which commands federal courts to refrain from 26 interfering in parallel state court proceedings in most circumstances.

The finalized cases 27 potentially implicate the Rooker-Feldman doctrine, which “prohibits a federal district court from 28 exercising subject matter jurisdiction over a suit that is a de facto appeal from a state court 1 judgment.” *Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1139 (9th Cir. 2004). Plaintiff has filed a 2 similar case in this district, and the magistrate judge in that case made similar findings on 3 screening.

See *Wu v. Twin Rivers United Educators*, No. 2:24-cv-2707-DAD-AC (E.D. Cal. Oct. 4 29, 2024) at ECF No. 3. 5 Accordingly, the complaint is dismissed for the reasons stated above. I will allow plaintiff 6 a chance to amend her complaint before recommending that this action be dismissed. Plaintiff 7 should take care to add specific factual allegations against each defendant and to better organize 8 her complaint.

She must also explain why her claims are not barred by the doctrines discussed 9 above. If plaintiff decides to file an amended complaint, the amended complaint will supersede 10 the current one. See *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc). 11 This means that the amended complaint will need to be complete on its face without reference to 12 the prior pleading.

See E.D. Cal. Local Rule 220. Once an amended complaint is filed, the 13 current one no longer serves any function. Therefore, in an amended complaint, as in the 14 original, plaintiff will need to assert each claim and allege each defendant’s involvement in 15 sufficient detail.

The amended complaint should be titled “First Amended Complaint” and refer 16 to the appropriate case number. If plaintiff does not file an amended complaint, I will 17 recommend that this action be dismissed. 18 Accordingly, it is hereby ORDERED that: 19 1. Plaintiff’s request for leave to proceed in forma pauperis, ECF No. 2, is GRANTED. 20 2. Plaintiff’s complaint, ECF No. 1, is DISMISSED with leave to amend.

21 3. Within thirty days from service of this order, plaintiff shall file either (1) an amended 22 complaint or (2) notice of voluntary dismissal of this action without prejudice. 23 4. Failure to timely file either an amended complaint or notice of voluntary dismissal may 24 result in the imposition of sanctions, including a recommendation that this action be dismissed 25 with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

26 5. The Clerk of Court shall send plaintiff a complaint form with this order. 27 28 1 > IT IS SO ORDERED. 3 (| { Wine Dated: _ February 27, 2025 qe 4 JEREMY D. PETERSON 5 UNITED STATES MAGISTRATE JUDGE 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28