

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Julia Teryaeva-Reed v. Pamela Bondi, et al.

Case No. 25-cv-09887-JST (PR) · No. 25-cv-09887-JST (PR) · Decided December 8, 2025

SUMMARY

The United States District Court for the Northern District of California dismisses Julia Teryaeva-Reed’s pro se civil-rights complaint under 28 U.S.C. § 1915A, with leave to amend. The court denies requests for appointment of counsel and stay or abeyance, and directs Plaintiff to file an amended complaint and provide a current address and notice of intent to prosecute.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jon S. Tigar
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 8, 2025
DOCKET	25-cv-09887-JST (PR)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se prisoner civil-rights action screened under 28 U.S.C. § 1915A before service of process.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must identify cognizable claims and dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. Pro se pleadings are liberally construed, but they must comply with Federal Rule of Civil Procedure 8(a)(2) and other applicable pleading and joinder requirements.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	Julia Teryaeva-Reed v. Pamela Bondi, et al.

TOPICS

- pleadings
- civil procedure
- joinder
- venue
- immigration detention

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint satisfied Federal Rule of Civil Procedure 8(a)(2)'s short-and-plain-statement requirement.
2. Whether the complaint improperly joined unrelated claims and defendants under Federal Rule of Civil Procedure 20(a)(2).
3. Whether claims arising from events at FDC Miami were properly venued in the Northern District of California.
4. Whether the claim concerning plaintiff's transfer from FCI-Dublin to FDC Miami was duplicative and subject to dismissal as malicious under 28 U.S.C. § 1915.
5. Whether plaintiff was entitled to appointment of counsel or a stay and abeyance.

HOLDINGS

1. The complaint failed to comply with Rule 8(a)(2) because its lengthy, repetitive, and confusing narrative did not provide a short and plain statement of the claims.
2. The complaint appeared to violate Rule 20(a)(2) by combining unrelated claims against different defendants arising from different occurrences and lacking a common question of law or fact.
3. To the extent plaintiff sought relief for claims arising from events at FDC Miami, the proper venue appeared to be the Southern District of Florida rather than the Northern District of California.
4. The claim that plaintiff was improperly transferred from FCI-Dublin to FDC Miami was duplicative because it had been raised and rejected in a prior action, and duplicative litigation may be dismissed as malicious under § 1915.
5. The court denied plaintiff's request for appointed counsel because she did not establish exceptional circumstances.

KEY QUOTATIONS

“Federal Rule of Civil Procedure 8(a)(2) requires only “a short and plain statement of the claim showing that the pleader is entitled to relief.”” (Discussion A)

“Failure to comply with Rule 8 is an independent basis for dismissal separate from whether the plaintiff states a sufficient claim on the merits.” (Discussion C)

“The Court DISMISSES the complaint with leave to amend.” (Conclusion)

FACTUAL BACKGROUND

Plaintiff alleged mistreatment and unconstitutional conditions of confinement during her incarceration at FCI-Aliceville in Alabama, FDC Miami in Florida, and FCI-Dublin in California, with the allegations focused primarily on FDC Miami. She also alleged that transfers between institutions violated federal policies and court orders, were retaliatory, and caused her to serve a sentence longer than necessary. The complaint asserted claims

under federal law, California and Texas law, and various federal-agency policies. Plaintiff had been removed from the United States by the time of the order and had not provided the court with a current address.

PROCEDURAL HISTORY

Plaintiff filed an 87-page civil-rights complaint naming fifteen defendants and was granted leave to proceed in forma pauperis in a separate order. The court screened the complaint under 28 U.S.C. § 1915A, dismissed it for pleading, joinder, venue, and duplicative-litigation deficiencies, and granted leave to amend. The court also denied plaintiff's requests for appointment of counsel and stay and abeyance.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

No remand. Plaintiff may file an amended complaint within twenty-eight days, using the case caption and number, identifying each wrongful act, date, conduct, defendant, and violated federal law or constitutional provision. Plaintiff must also provide her current address and state whether she intends to prosecute the action within twenty-eight days.

CASES CITED

- United States v. Qazi, 975 F.3d 989, 993 (9th Cir. 2020)
- Ashcroft v. Iqbal, 556 U.S. 662, 677–78 (2009)
- McHenry v. Renne, 84 F.3d 1172, 1177, 1179 (9th Cir. 1996)
- Indep. Towers of Wash. v. Washington, 350 F.3d 925, 929 (9th Cir. 2003)
- Romano v. U.S. Army Core of Eng'rs, Case No. 17-cv-930-JD, 2017 WL 6448221, at *1 (N.D. Cal. Dec. 18, 2017)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Teryaeva-Reed v. Peters, et al., Case No. 24-cv-3910-JSW
- Bailey v. Johnson, 846 F.2d 1019, 1021 (5th Cir. 1988)
- Cato v. United States, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995)
- Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir. 2000)
- Lassiter v. Dep't of Social Svcs., 452 U.S. 18, 25 (1981)
- Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986)
- Agyeman v. Corrections Corp. of America, 390 F.3d 1101, 1103 (9th Cir. 2004)
- Teryaeva-Reed v. Larose, Case No. 25-cv-02219-AGS-JLB, ECF No. 22
- Lacey v. Maricopa Cty., 693 F.3d 896, 925 (9th Cir. 2012)

OPINION

Teryaeva-Reed

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 JULIA TERYAEVA-REED, Case No. 25-cv-09887-JST 8 Plaintiff,

ORDER OF DISMISSAL WITH LEAVE

9 v. TO AMEND; DENYING REQUEST

FOR STAY AND ABEYANCE;

10 PAMELA BONDI, et al., DENYING REQUEST FOR

APPOINTMENT OF COUNSEL

Defendants. 11 Re: ECF Nos. 4, 5 12 13 Plaintiff has filed a pro se civil rights action. Her
complaint (ECF No. 1) is now before the 14 Court for review pursuant to 28 U.S.C. § 1915A.
Plaintiff has been granted leave to proceed in 15 forma pauperis in a separate order.

16 DISCUSSION

17 A. Standard of Review 18 A federal court must conduct a preliminary screening in any case in
which a prisoner seeks 19 redress from a governmental entity or officer or employee of a
governmental entity. See 28 U.S.C. 20 § 1915A(a). In its review, the court must identify any
cognizable claims and dismiss any claims 21 that are frivolous, malicious, fail to state a claim
upon which relief may be granted or seek 22 monetary relief from a defendant who is immune
from such relief. See 28 U.S.C. § 1915A(b)(1), 23 (2). Pro se pleadings must, however, be
liberally construed. See *United States v. Qazi*, 975 F.3d 24 989, 993 (9th Cir. 2020). 25 Federal
Rule of Civil Procedure 8(a)(2) requires only “a short and plain statement of the 26 claim showing
that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). “Specific facts are not 27 necessary;
the statement need only ““give the defendant fair notice of what the . . . claim is and the 1 While
Rule 8 does not require detailed factual allegations, it demands more than an unadorned, 2 the-
defendant-unlawfully-harmed-me accusation. *Ashcroft v. Iqbal*, 556 U.S. 662, 677–78 (2009). 3 A
pleading that offers only labels and conclusions, or a formulaic recitation of the elements of a 4
cause of action, or naked assertions devoid of further factual enhancement does not suffice. *Id.* 5
B. Complaint 6 The complaint names fifteen defendants – the United States, United States
Attorney 7 General Pamela Bondi, former Bureau of Prisons (“BOP”) Director Collette S. Peters,
BOP 8 Deputy Director William W. Lothrop, BOP Associate Deputy Director Kathleen Toomey,
Federal 9 Prison Industries Acting Chief Executive Officer Seth Bogin, BOP Western District
Regional 10 Director Melissa Rios-Marques, BOP Southeastern District Regional Directors
Jeffrey Keller and 11 Shannon Phelps, FDC Miami Warden Samantha Serrano, FDC Miami
Assistant Warden R. 12 Morris, FDC Miami Counselor V. Dawkins-Jones, FDC Miami Lieutenant
G. Rodriguez, an 13 unnamed FDC Miami Health Services Administrator, and United States
Marshal Service Director 14 Ronald L. Davis. The complaint is a lengthy, 87-page narrative

recounting the alleged 15 mistreatment that Plaintiff has suffered since she entered BOP custody in 2017. The complaint 16 recounts incidents that took place while Plaintiff was housed at FCI-Aliceville in Alabama; at 17 FDC Miami in Florida; and at FCI-Dublin in California, focusing primarily on events that 18 occurred at FDC Miami. The complaint alleges that the conditions of confinement at all three 19 locations were unconstitutional. The complaint also alleges that Plaintiff's transfers between the 20 various institutions violated BOP policy, violated court orders, and were retaliatory; and that the 21 transfers resulted in her serving a sentence that was longer than necessary. The complaint alleges 22 that Defendants have violated federal law, California state law, Texas state law, and the policies of 23 various federal agencies. 24 C. Dismissal with Leave to Amend 25 The Court DISMISSES the complaint because it suffers from numerous deficiencies, some 26 of which the Court details below. 27 First, the complaint violates Fed. R. Civ. P. 8(a)'s requirement of a short and plain 1 (9th Cir. 2011) (complaints are subject to dismissal if they are "needlessly long," "highly 2 repetitious, confusing, or consist of incomprehensible rambling"); *Indep. Towers of Wash. v. 3 Washington*, 350 F.3d 925, 929 (9th Cir. 2003) ("When reading [plaintiff's] brief, one wonders if 4 [plaintiff], in its own version of the spaghetti approach, has heaved the entire contents of a pot 5 against the wall in hopes that something would stick. We decline, however, to sort through the 6 noodles in search of [plaintiff's] claim."). Failure to comply with Rule 8 is an independent basis 7 for dismissal separate from whether the plaintiff states a sufficient claim on the merits. See 8 *McHenry v. Renne*, 84 F.3d 1172, 1177, 1179 (9th Cir. 1996) (affirming dismissal of complaint 9 that was "argumentative, prolix, replete with redundancy, and largely irrelevant"). Even claims 10 which are not on their face subject to dismissal under Rule 12(b)(6) may still be dismissed for 11 violating Rule 8(a). See *id.* Plaintiff's pro se status does not relieve her of conformity to the 12 pleading rules. See, e.g., *Romano v. U.S. Army Core of Eng'rs*, Case No. 17-cv-930-JD, 2017 WL 13 6448221, at *1 (N.D. Cal. Dec. 18, 2017). 14 Second, the complaint appears to violate the joinder rule set forth in Fed. R. Civ. P. 20. 15 Fed. R. Civ. P. 20(a) (2) provides that all persons "may be joined in one action as defendants if: 16 (A) any right to relief is asserted against them jointly, severally, or in the alternative with respect 17 to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and 18 (B) any question of law or fact common to all defendants will arise in the action." Fed. R. Civ. P. 19 20(a) (2). The upshot of these rules is that "multiple claims against a single party are fine, but 20 Claim A against Defendant 1 should not be joined with unrelated Claim B against Defendant 2." 21 *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007). In this action, Plaintiff may only seek relief 22 for incidents that (1) arise out of the same occurrence; and (2) have a common question of law or 23 fact common to all defendants. The complaint complains of various unrelated events that 24 happened at different BOP facilities and involving separate BOP officials. For example, the claim 25 that Plaintiff was wrongfully placed in the SHU while at FDC Miami and the claim that Plaintiff 26 was wrongfully transferred from FCI Dublin to FDC Miami arise out of different occurrences, 27 involve different defendants, and do not share a common question of law or fact. 1

complaint concerns incidents that occurred at FDC Miami. The events or omissions giving rise to 2 Plaintiff's claims regarding FDC Miami events occurred in Miami, Florida, which is located in the 3 Southern District of Florida; Plaintiff is not located in this district and has not resided in this 4 district for a year and a half; and it does not appear that any of the defendants reside in this district. 5 To the extent that Plaintiff seeks relief for claims arising out of events at FDC Miami, the proper 6 venue for those claims would be the Southern District of Florida. See 28 U.S.C. § 1391(b). 7 Fourth, Plaintiff's claim that she was improperly transferred from FCI Dublin to FDC 8 Miami is duplicative, as this claim was raised and rejected in *Teryaeva-Reed v. Peters, et al.*, C 9 No. 24-cv-3910 JSW. Duplicative or repetitious litigation of virtually identical causes of action is

10 subject to dismissal under 28 U.S.C. § 1915 as malicious. *Bailey v. Johnson*, 846 F.2d 1019, 1021 11 (5th Cir. 1988). An in forma pauperis complaint that merely repeats pending or previously 12 litigated claims may be considered abusive and dismissed under Section 1915. *Cato v. United* 13 *States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995); *Bailey*, 846 F.2d at 1021. 14 The Court GRANTS Plaintiff leave to file an amended complaint. See *Lopez v. Smith*, 203 15 F.3d 1122, 1130 (9th Cir. 2000) (district court should grant leave to amend unless pleading could 16 not possibly be cured by allegation of other facts). In the amended complaint, Plaintiff should 17 briefly describe each wrongful act, including when it occurred, what happened (or did not happen), 18 and which defendant was involved; and should identify what federal law or federal constitutional 19 provision the action or inaction violated. Plaintiff is encouraged to use the form complaint, and 20 she should refrain from making legal arguments. Plaintiff should consider whether her claims are 21 properly brought in this district or whether they should be filed in a different venue. 22 D. Request for Appointment of Counsel 23 Plaintiff has requested that the Court appoint her counsel. Plaintiff argues that 24 appointment of counsel is necessary because she is unable to afford counsel; her current detention 25 in ICE custody greatly limits her ability to litigate; her probable removal from the United States 26 within the next few weeks will make it impossible for her to litigate this matter without appointed 27 counsel; the issues in this case complex and entail overlapping branches of state and federal law as 1 U.S.C. § 2412(b) authorizes awards of reasonable attorney fees in any civil action brought against 2 the United States or any agency of the United States acting in his or her official capacity; Plaintiff 3 has made reasonable yet unsuccessful efforts to obtain counsel; this case may set precedent for 4 other cases; and this case is material to deterring Defendants from committing further 5 constitutional violations. ECF No. 4. 6 There is no constitutional right to counsel in a civil case unless an indigent litigant may 7 lose his physical liberty if he loses the litigation. See *Lassiter v. Dep't of Social Svcs.*, 452 U.S. 8 18, 25 (1981). Appointing counsel is within the court's discretion and is granted only in 9 exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986) (referring 10 to 28 U.S.C. § 1915(d), which was subsequently renumbered to 28 U.S.C. § 1915(e)(1)). A 11 finding of "exceptional circumstances" requires an evaluation of the likelihood of the plaintiff's 12

success on the merits and an evaluation of the plaintiff's ability to articulate his claims pro se in light of the complexity of the legal issues involved. See *Agyeman v. Corrections Corp. of America*, 390 F.3d 1101, 1103 (9th Cir. 2004). Both of these factors must be viewed together before reaching a decision on a request for counsel under § 1915. See *id.* At this stage of the action, it is unclear that Plaintiff will succeed on the merits as there is currently no operative complaint. The Court DENIES the request for appointment of counsel for lack of exceptional circumstances. E. Request for Stay and Abeyance (ECF No. 5) Plaintiff has requested that the Court hold this case in abeyance under Rule 12(f) pending resolution of her habeas corpus petition proceeding seeking release from custody or removal and pending her satisfying the FTCA's exhaustion requirement. ECF No. 5. The Court DENIES the request for abeyance. As discussed supra, it is unclear whether Plaintiff can or will proceed with this action. Many of the events alleged in the complaint took place in a different venue; the claim regarding an event in this district – retaliatory transfer from FCI Dublin to FDC Miami – is duplicative of a claim raised in a prior action; and Plaintiff has been deported from the United States and has not provided the Court with a current address. Fed. R. Civ. P. 12(f) governs 1 F. Directions to Plaintiff – Requiring Current Address and Notice of Intent to Prosecute 2 Within twenty-eight of the days of this order, Plaintiff is directed to inform the Court of 3 her current address and inform the Court whether she intends to prosecute this action. It appears 4 that Plaintiff is no longer at her current address of record and no longer in the United States. At 5 the time Plaintiff submitted the complaint, she was housed at Otay Mesa Detention Center in San 6 Diego, California. ECF No. 1-1. On November 17, 2025, ICE removed Plaintiff from the United 7 States via charter air flight. *Teryaeva-Reed v. Larose*, C No. 25-cv-02219-AGS-JLB, ECF No. 22.

8 CONCLUSION

9 For the foregoing reasons, the Court ORDERS as follows. 10 1. The Court DISMISSES the complaint with leave to amend. Within twenty-eight 11 (28) days of the date of this order, Plaintiff shall file an amended complaint. The amended 12 complaint must include the caption and civil case number used in this order, Case No. 25-cv- 13 09887 JST (PR) and the words “AMENDED COMPLAINT” on the first page. If using the court 14 form complaint, Plaintiff must answer all the questions on the form in order for the action to 15 proceed. An amended complaint completely replaces the previous complaints. See *Lacey v. 16 Maricopa Cty.*, 693 F.3d 896, 925 (9th Cir. 2010). Accordingly, Plaintiff must include in her 17 amended complaint all the claims she wishes to present and all of the defendants she wishes to 18 sue, and may not incorporate material from the prior complaint by reference. Failure to file an 19 amended complaint in accordance with this order in the time provided will result in dismissal of 20 this action without further notice to Plaintiff. The Clerk shall include two copies of the court's 21 complaint form with a copy of this order to Plaintiff. 22 2. The Court DENIES Plaintiff's request for appointment of counsel, ECF No. 4, and 23 request for stay and abeyance, ECF No. 5. 24 3. Within twenty-eight of the days of this order, Plaintiff is directed to inform the 25 Court of her current address and inform the Court

whether she intends to prosecute this action. 26 / / / 27 / / / 1 This order terminates ECF Nos. 4, 5.
2 IT IS SO ORDERED. ® 3 Dated: December 8, 2025 es 4
JON S. TIGA!
5 United States District Judge 6 7 8 9 10 11 a 12 13 14 15 16 = 17 Z 18 19 20 21 22 23 24 25 26
27 28