

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

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OPINION

Teryaeva-Reed

PER CURIAM.

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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 General Pamela Bondi, former Bureau of Prisons (“BOP”) Director Collette S. Peters, BOP Deputy Director William W. Lothrop, BOP Associate Deputy Director Kathleen Toomey, Federal Prison Industries Acting Chief Executive Officer Seth Bogin, BOP Western District Regional Director Melissa Rios-Marques, BOP Southeastern District Regional Directors Jeffrey Keller and Shannon Phelps, FDC Miami Warden Samantha Serrano, FDC Miami Assistant Warden R. Morris, FDC Miami Counselor V. Dawkins-Jones, FDC Miami Lieutenant G. Rodriguez, an unnamed FDC Miami Health Services Administrator, and United States Marshal Service Director Ronald L. Davis. The complaint is a lengthy, 87-page narrative recounting the alleged mistreatment that Plaintiff has suffered since she entered BOP custody in 2017. The complaint recounts incidents that took place while Plaintiff was housed at FCI-Aliceville in Alabama; at FDC Miami in Florida; and at FCI-Dublin in California, focusing primarily on events that occurred at FDC Miami. The complaint alleges that the conditions of confinement at all three locations were unconstitutional. The complaint also alleges that Plaintiff’s transfers between the various institutions violated BOP policy, violated court orders, and were retaliatory; and that the transfers resulted in her serving a sentence that was longer than necessary. The complaint alleges that Defendants have violated federal law, California state law, Texas state law, and the policies of various federal agencies.

C. Dismissal with Leave to Amend

The Court DISMISSES the complaint because it suffers from numerous deficiencies, some of which the Court details below.

First, the complaint violates Fed. R. Civ. P. 8(a)’s requirement of a short and plain statement (9th Cir. 2011) (complaints are subject to dismissal if they are “needlessly long,” “highly repetitious, confusing, or consist of incomprehensible rambling”); *Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) (“When reading [plaintiff’s] brief, one wonders if [plaintiff], in its own version of the spaghetti approach, has heaved the entire contents of a pot against the wall in hopes that something would stick. We decline, however, to sort through the noodles in search of [plaintiff’s] claim.”). Failure to comply with Rule 8 is an independent basis for dismissal separate from whether the plaintiff states a sufficient claim on the merits. See *McHenry v. Renne*, 84 F.3d 1172, 1177, 1179 (9th Cir. 1996) (affirming dismissal of complaint that was “argumentative, prolix, replete with redundancy, and largely irrelevant”). Even claims which are not on their face subject to dismissal under Rule 12(b)(6) may still be dismissed for violating Rule 8(a). See *id.* Plaintiff’s pro se status does not relieve her of conformity to the 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).

Second, the complaint appears to violate the joinder rule set forth in Fed. R. Civ. P. 20. Fed. R. Civ. P. 20(a)(2) provides that all persons “may be joined in one action as defendants if: (A) any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and (B) any question of law or fact common to all defendants will arise in the action.” Fed. R. Civ. P. 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 13 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 15 before reaching a decision on a request for counsel under § 1915. See *id.* At this stage of the 16 action, it is unclear that Plaintiff will succeed on the merits as there is currently no operative 17 complaint. The Court DENIES the request for appointment of counsel for lack of exceptional 18 circumstances. 19 E. Request for Stay and Abeyance (ECF No. 5) 20 Plaintiff has requested that the Court hold this case in abeyance under Rule 12(f) pending 21 resolution of her habeas corpus petition proceeding seeking release from custody or removal and 22 pending her satisfying the FTCA's exhaustion requirement. ECF No. 5. The Court DENIES the 23 request for abeyance. As discussed supra, it is unclear whether Plaintiff can or will proceed with 24 this action. Many of the events alleged in the complaint took place in a different venue; the claim 25 regarding an event in this district – retaliatory transfer from FCI Dublin to FDC Miami – is 26 duplicative of a claim raised in a prior action; and Plaintiff has been deported from the United 27 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