

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Taifusin Chiu v. Donald Trump

Chiu v. Trump · No. 2:25-cv-0704 DJC AC PS · Decided April 25, 2025

SUMMARY

The court grants plaintiff Taifusin Chiu’s application to proceed in forma pauperis. The magistrate judge finds that the complaint is unintelligible, lacks a basis for federal jurisdiction and any cognizable legal claim, and recommends dismissal of all claims as frivolous under 28 U.S.C. § 1915(e)(2). The findings and recommendations advise plaintiff that objections must be filed within 21 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 25, 2025
DOCKET	2:25-cv-0704 DJC AC PS
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff filed a complaint and moved to proceed in forma pauperis. A magistrate judge granted in forma pauperis status and issued findings and recommendations that the complaint be dismissed at the statutory screening stage without leave to amend.
STANDARD OF REVIEW	At in forma pauperis screening, the court accepts factual allegations as true unless clearly baseless or fanciful, construes them in the light most favorable to the plaintiff, resolves doubts in the plaintiff’s favor, and determines whether the complaint is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. A complaint must contain sufficient factual matter to state a claim that is plausible on its face.
PRECEDENTIAL VALUE	unpublished and nonprecedential magistrate judge findings and recommendations
PARTIES	Taifusin Chiu v. Donald Trump

TOPICS

pleadings

civil procedure

motions to dismiss

section 1983

PRACTICE AREAS

civil procedure

civil rights

in forma pauperis screening

QUESTIONS PRESENTED

1. Whether the plaintiff qualified to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1).
2. Whether the complaint was frivolous or failed to state a plausible claim under 28 U.S.C. § 1915(e)(2).
3. Whether the plaintiff should be granted leave to amend the complaint.

HOLDINGS

1. The application to proceed in forma pauperis should be granted because plaintiff submitted the affidavit required by 28 U.S.C. § 1915(a)(1).
2. The complaint should be dismissed because it alleged no discernible basis for federal jurisdiction, no cognizable cause of action, and no plausible supporting facts, rendering it frivolous and insufficient to state a claim.
3. Leave to amend should be denied because amendment would be futile in light of the complaint's lack of any intelligible factual or legal claim.

KEY QUOTATIONS

“The putative complaint is unintelligible.” (at 3)

“It is readily apparent that amendment would be futile.” (at 4)

“However, because your complaint does not make any legal claim or provide facts that could support any legal claim, the undersigned is recommending that your case be dismissed.” (at 4)

FACTUAL BACKGROUND

The complaint consisted entirely of unintelligible, lyric-like sentences and did not identify a clearly discernible incident. It asserted no identifiable causes of action and contained no facts establishing federal jurisdiction or supporting a cognizable claim against the defendant. The court concluded that the allegations were fanciful and nonsensical, lacked a basis in law, and lacked plausible supporting facts.

PROCEDURAL HISTORY

Plaintiff filed an unintelligible complaint against Donald Trump and submitted an application to proceed in forma pauperis. The magistrate judge granted the in forma pauperis application under 28 U.S.C. § 1915(a)(1), screened the complaint under 28 U.S.C. § 1915(e)(2), found no discernible federal claim or factual basis, and recommended dismissal of all claims without leave to amend because amendment would be futile. The recommendation was submitted to the assigned district judge under 28 U.S.C. § 636(b)(1), subject to objections within twenty-one days.

DISPOSITION

other

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 325, 327 (1989)
- Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Western Mining Council v. Watt, 643 F.2d 618, 624 (9th Cir. 1981)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987)
- California Architectural Bldg. Prod. v. Franciscan Ceramics, 818 F.2d 1466, 1472 (9th Cir. 1987)
- Klamath-Lake Pharm. Ass'n v. Klamath Med. Serv. Bureau, 701 F.2d 1276, 1293 (9th Cir. 1983)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 TAIFUSIN CHIU, No. 2:25-cv-0704 DJC AC PS 12 Plaintiff, 13 v. ORDER
AND FINDINGS AND RECOMMENDATIONS 14 DONALD TRUMP, 15 Defendant. 16 17
Plaintiff is proceeding in this action pro se.

The matter accordingly was referred to the 18 undersigned by E.D. Cal. R. 302(c)(21). Plaintiff
has filed a request for leave to proceed in 19 forma pauperis (“IFP”) pursuant to 28 U.S.C. § 1915
and has submitted the affidavit required by 20 that statute. See 28 U.S.C. § 1915(a)(1).

The motion to proceed IFP will therefore be granted. 21 I. SCREENING 22 A determination that a
plaintiff qualifies financially for in forma pauperis status does not 23 complete the inquiry
required by the statute. The federal IFP statute requires federal courts to 24 dismiss a case if the
action is legally “frivolous or malicious,” fails to state a claim upon which 25 relief may be
granted or seeks monetary relief from a defendant who is immune from such relief.

26 28 U.S.C. § 1915(e)(2). Plaintiff must assist the court in determining whether or not the 27
complaint is frivolous, by drafting the complaint so that it complies with the Federal Rules of 28
Civil Procedure (“Fed. R. Civ. P.”).

Under the Federal Rules of Civil Procedure, the complaint must contain (1) a “short and plain statement” of the basis for federal jurisdiction (that is, the reason the case is filed in this court, rather than in a state court), (2) a short and plain statement showing that plaintiff is entitled to relief (that is, who harmed the plaintiff, and in what way), and (3) a demand for the relief sought.

Fed. R. Civ. P. 8(a). Plaintiff’s claims must be set forth simply, concisely and directly. Fed. R. Civ. P. 8(d)(1). A claim is legally frivolous when it lacks an arguable basis either in law or in fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

In reviewing a complaint under this standard, the court will (1) accept as true all of the factual allegations contained in the complaint, unless they are clearly baseless or fanciful, (2) construe those allegations in the light most favorable to the plaintiff, and (3) resolve all doubts in the plaintiff’s favor. See *Neitzke*, 490 U.S. at 327; *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 960 (9th Cir.

2010), cert. denied, 564 U.S. 1037 (2011). The court applies the same rules of construction in determining whether the complaint states a claim on which relief can be granted. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (court must accept the allegations as true); *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974) (court must construe the complaint in the light most favorable to the plaintiff).

Pro se pleadings are held to a less stringent standard than those drafted by lawyers. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). However, the court need not accept as true conclusory allegations, unreasonable inferences, or unwarranted deductions of fact. *Western Mining Council v. Watt*, 643 F.2d 618, 624 (9th Cir. 1981). A formulaic recitation of the elements of a cause of action does not suffice to state a claim.

Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). To state a claim on which relief may be granted, the plaintiff must allege enough facts “to state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678.

A pro se litigant is entitled to notice of the deficiencies in the complaint and an opportunity to amend, unless the complaint’s deficiencies could not be cured by amendment. See *Noll v. Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1987), superseded on other grounds by statute as stated in *Lopez v. Smith*, 203 F.3d 1122 (9th Cir.2000)) (en banc). II. THE COMPLAINT The putative complaint is unintelligible.1 ECF No. 1.

There is no clearly identifiable incident that forms the basis of the complaint. No causes of action are asserted. The sentences in the complaint do not make sense. For example, plaintiff

writes: “Restrict versus picky on 7 boundary line versus borderline on human right and law in overall life achievement.” ECF No. 1 8 at 5.

The complaint consists entirely of such sentences, written in a lyric-like format. 9 III. DISCUSSION 10 The complaint does not contain facts that indicate any basis for federal jurisdiction or that 11 support any cognizable legal claim against any defendant.

The undersigned finds that the 12 complaint consists entirely of fanciful and nonsensical sentences and allegations with no basis in 13 law and no plausible supporting facts. Accordingly, the complaint cannot support relief and must 14 be dismissed. See *Neitzke*, 490 U.S. at 327; *Twombly*, 550 U.S. at 570. 15 It is readily apparent that amendment would be futile.

Although leave to amend is 16 generally to be granted with liberality, “[v]alid reasons for denying leave to amend include undue 17 delay, bad faith, prejudice, and futility.” *California Architectural Bldg. Prod. v. Franciscan 18 Ceramics*, 818 F.2d 1466, 1472 (9th Cir. 1988); see also *Klamath-Lake Pharm. Ass'n v. Klamath 19 Med. Serv. Bureau*, 701 F.2d 1276, 1293 (9th Cir.

1983) (holding that while leave to amend shall 20 be freely given, the court does not have to allow futile amendments). Considering the content of 21 the complaint before the court, the undersigned finds that it would be futile to grant plaintiff leave 22 to amend. 23 1 The court notes that plaintiff has filed numerous cases in this district against various 24 defendants, each presenting the same kind of nonsensical, lyric-like complaint as this case, and each resulting in an immediate recommendation of dismissal for frivolity.

Such cases include but 25 are not limited to: *Chiu v. Trump*, 2:22-cv-00764 KJM AC; *Chiu v. President of the United 26 States*, 2:22-cv-00809 TLN DB; *Chiu v. Saechou*, 2:23-cv-00094 DAD KJN; *Chiu v. Consumnes River College*, 2:23-cv-00096 TLN CKD; *Chiu v. President of the US*, 2:23-cv-00097 DJC JDP; 27 *Chiu v. Extra Space Storage*, 2:23-cv-00099 KJM AC. An order to show cause why plaintiff should not be declared a vexatious litigant is currently pending in *Chiu v. The President of US*, 28 2:25-cv-0157 TLN AC at ECF No. 4.

1 IV. PROSE PLAINTIFF’S SUMMARY 2 Your request that the court waive your filing fee is being granted and you will not have to 3 || pay the filing fee in this case. However, because your complaint does not make any legal claim 4 || or provide facts that could support any legal claim, the undersigned is recommending that your 5 || case be dismissed. 6 V. CONCLUSION 7 Tn accordance with the above, IT IS HEREBY ORDERED that plaintiff’s application to 8 | proceed in forma pauperis (ECF No. 2), is GRANTED.

9 Further, IT IS HEREBY RECOMMENDED that all claims against all defendants should 10 || be DISMISSED. 11 These findings and recommendations are submitted to the United States District Judge 12 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within

twenty-one days 13 || after being served with these findings and recommendations, plaintiff may file written objections 14 | with the court.

Such a document should be captioned “Objections to Magistrate Judge’s Findings 15 || and Recommendations.” Plaintiff is advised that failure to file objections within the specified 16 || time may waive the right to appeal the District Court’s order. *Martinez v. Ylst*, 951 F.2d 1153 17 | (9th Cir. 1991). 18 IT IS SO ORDERED. 19 | DATED: April 24, 2025 ~ 20 _Athuer—Clore ALLISON CLAIRE 21 UNITED STATES MAGISTRATE JUDGE 22 23 24 25 26 27 28