

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

David Taylor v. Placer County, et al.

Taylor v. Placer County · No. 2:25-cv-2329-DC-CKD (PS) · Decided September 15, 2025

SUMMARY

The United States District Court for the Eastern District of California grants David Taylor's request to proceed in forma pauperis but dismisses his complaint against Placer County, the Placer County Code Enforcement Department, and Nolan Wright for failure to state a claim. The court finds that the complaint provides insufficient factual allegations and relies on conclusory legal assertions. Taylor is granted 30 days to file an amended complaint, while his motion to file electronically is denied without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 15, 2025
DOCKET	2:25-cv-2329-DC-CKD (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff moved to proceed in forma pauperis, moved for permission to file electronically, and filed a complaint alleging that Placer County defendants violated his rights through attempted abatement proceedings. The court screened the complaint under 28 U.S.C. § 1915(e), granted in forma pauperis status, denied the motion to e-file without prejudice, dismissed the complaint for failure to state a claim, and granted leave to amend.
STANDARD OF REVIEW	The court screened the in forma pauperis complaint under 28 U.S.C. § 1915(e)(2)(B), liberally construing pro se pleadings while requiring sufficient factual matter to state a facially plausible claim.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

- pleadings
- civil procedure

PRACTICE AREAS

civil procedure

civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether the plaintiff's complaint stated a claim for relief sufficient to survive screening under 28 U.S.C. § 1915(e)(2)(B) and Federal Rule of Civil Procedure 8(a)(2).
2. Whether the plaintiff should be granted leave to amend after dismissal of the complaint.
3. Whether the pro se plaintiff should be permitted to file documents electronically without special permission.

HOLDINGS

1. A court must screen every in forma pauperis proceeding and dismiss the complaint when it fails to state a claim upon which relief may be granted. Taylor's complaint failed to provide sufficient factual material and was dismissed.
2. A pro se litigant must generally be given leave to amend and notice of pleading deficiencies unless it is absolutely clear that the deficiencies cannot be cured by amendment; Taylor was granted 30 days to file an amended complaint.
3. The plaintiff's motion to file electronically was denied without prejudice because pro se litigants may not use electronic filing absent permission from the assigned judge or magistrate judge.

KEY QUOTATIONS

"Plaintiff's declaration in support of the request to proceed in forma pauperis makes the showing required by 28 U.S.C. § 1915 and is granted. However, the complaint fails to state a claim and must be dismissed." (at 1)

"A pro se litigant must be given leave to amend his or her complaint, and some notice of its deficiencies, unless it is absolutely clear that the deficiencies of the complaint could not be cured by amendment." (at 2)

FACTUAL BACKGROUND

In July 2025, Placer County Code Enforcement allegedly attempted to serve Taylor with notice of abatement proceedings by placing the notice on a neighboring property with an incorrect assessor's parcel number. Taylor alleged that this deprived him of notice and an opportunity to be heard and constituted an attack on his federal land-patent rights. The court found that the complaint primarily contained legal conclusions and statements of law, with insufficient factual material to state a claim.

PROCEDURAL HISTORY

David Taylor filed a complaint against Placer County, the Placer County Code Enforcement Department, and Nolan Wright and sought to proceed in forma pauperis. The magistrate judge granted in forma pauperis status but found the complaint insufficient under the statutory screening requirement and Federal Rule of Civil Procedure 8(a)(2). The complaint was dismissed with 30 days' leave to amend, with a warning that failure to respond would result in a recommendation of dismissal.

DISPOSITION

other

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1126-27 (9th Cir. 2000)
- Eldridge v. Block, 832 F.2d 1132, 1137 (9th Cir. 1987)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Cato v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995)

OPINION

David Taylor v. Placer County, et al.

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 DAVID TAYLOR, No. 2:25-cv-2329-DC-CKD (PS)

12 Plaintiff, 13 v. ORDER 14 PLACER COUNTY, et al., 15 Defendants. 16 17 Plaintiff David Taylor proceeds without counsel¹ and seeks to proceed in forma pauperis. 18 Plaintiff's declaration in support of the request to proceed in forma pauperis makes the showing 19 required by 28 U.S.C. § 1915 and is granted. However, the complaint fails to state a claim and 20 must be dismissed. Plaintiff is granted leave to file an amended complaint within 30 days of the 21 date of this order. 22 I. Screening Requirement 23 Pursuant to 28 U.S.C. § 1915(e), the court must screen every in forma pauperis 24 proceeding, and must order dismissal of the case if it is "frivolous or malicious," "fails to state a 25 claim on which relief may be granted," or "seeks monetary relief against a defendant who is 26 immune from such relief." 28 U.S.C. § 1915(e)(2)(B); Lopez v. Smith, 203 F.3d 1122, 1126-27 27 1 Because plaintiff proceeds without counsel, this action is referred to the undersigned by Local

28 Rule 302(c)(21) pursuant to 28 U.S.C. § 636.

1 (2000). In performing this screening, the court liberally construes a pro se plaintiff's pleadings. 2 See Eldridge v. Block, 832 F.2d 1132, 1137 (9th Cir. 1987). 3 II. Plaintiff's Allegations 4 The named defendants are Placer County, Placer County Code Enforcement Department, 5 and Nolan Wright. (ECF No. 1 at 2.) In July of 2025, Placer County Code Enforcement attempted 6 to serve notice of abatement proceedings upon plaintiff by placing the notice on a neighboring 7 property with the incorrect APN, which denied plaintiff notice and opportunity to be heard. (Id. at 8 21.) Plaintiff alleges the attempted abatement proceedings constituted an attack on his federal 9 land

patent rights. (Id. at 22.) 10 III. Discussion 11 Plaintiff's 27-page complaint contains insufficient factual material for the court to perform 12 the screening required by 28 U.S.C. § 1915. The complaint lists various rights which defendants 13 allegedly violated and is filled with legal conclusions and statements of the law. The very 14 minimal facts alleged do not state a claim for relief. 15 A complaint must contain "a short and plain statement of the claim showing that the 16 pleader is entitled to relief...." Fed. R. Civ. P. 8(a)(2). Detailed factual allegations are not 17 required, but "[t]hreadbare recitals of the elements of a cause of action, supported by mere 18 conclusory statements, do not suffice[.]" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell 19 Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). While factual allegations are accepted as 20 true, legal conclusions are not. *Iqbal*, 556 U.S. at 678. 21 Pro se litigants are entitled to have their pleadings liberally construed and to have any 22 doubt resolved in their favor, *Eldridge*, 832 F.2d at 1137, but a plaintiff's claims must be facially 23 plausible to survive screening. Facial plausibility for a claim requires sufficient factual detail to 24 allow the court to reasonably infer that a named defendant is liable for the misconduct alleged. 25 *Iqbal*, 556 U.S. at 678. 26 Without more factual allegations, the court is unable to conduct the screening required by 27 28 U.S.C. § 1915(e). Plaintiff's complaint must be dismissed after which plaintiff will have an 28 opportunity to file an amended complaint. See *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1 | } 1995) ("A pro se litigant must be given leave to amend his or her complaint, and some notice of 2 || its deficiencies, unless it is absolutely clear that the deficiencies of the complaint could not be 3 || cured by amendment." (citation omitted)). If plaintiff files an amended complaint, it should be 4 || titled "First Amended Complaint" and must be complete by itself without reference to any prior 5 || pleading. See Local Rule 220. 6 IV. Motion to File Electronically 7 "(A |ny person appearing pro se may not utilize electronic filing except with the 8 || permission of the assigned Judge or Magistrate Judge." See E.D. Cal. L.R. 133(b)(2). The court 9 || does not at this stage of the case find good cause for deviance from the general procedure in the 10 | Local Rule. Plaintiff's request will be denied without prejudice to renewal at a later stage of the 11 || case. 12 If plaintiff would like to receive immediate email notifications when documents are filed 13 || in this case, instead of receiving service by mail, plaintiff may file such a request. In any such 14 || request, plaintiff shall provide an email address, give consent to receive service of documents 15 || electronically, and waive the right to receive service by first class mail. 16 V. Order 17 In accordance with the above, IT IS ORDERED as follows: 18 1. Plaintiff's request to proceed in forma pauperis (ECF No. 2) is GRANTED. 19 2. Plaintiff's motion to e-file (ECF No. 3) is DENIED without prejudice. 20 3. Plaintiff's complaint (ECF No. 1) is dismissed for failure to state a claim upon which 21 relief can be granted. 22 4. Plaintiff is granted leave to file an amended complaint that complies with the 23 requirements of the Federal Rules of Civil Procedure and the Local Rules of Practice 24 within 30 days from the date of service of this order; failure to respond to this order 25 will result in a recommendation that this action be dismissed. 26 | Dated: September 13, 2025 / ae / a ly. ae 28 tayt2sev2329.sem UNITED STATES MAGISTRATE JUDGE

