

**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.

OPINION

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 recetve 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. Plaintiffs 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. Plaintiffs 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