

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Chikodi Chima v. City and County of San Francisco, et al.

Chima · No. 25-cv-10294-TSH · Decided December 22, 2025

SUMMARY

A Report and Recommendation by a magistrate judge in the Northern District of California recommends dismissal without leave to amend of Chikodi Chima’s second amended complaint. The court concludes that the claims, although framed as constitutional retaliation and access-to-courts claims, are fundamentally a domestic-relations dispute concerning child custody and are subject to abstention. The recommendation also notes that further amendment would not cure the jurisdictional deficiency.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Thomas S. Hixson
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 22, 2025
DOCKET	25-cv-10294-TSH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Report and recommendation on sua sponte screening of a pro se plaintiff's second amended complaint filed in forma pauperis under 28 U.S.C. § 1915(e)(2). The magistrate judge recommended dismissal without leave to amend and reassignment to a district judge because not all parties had consented to magistrate judge jurisdiction.
STANDARD OF REVIEW	The court applied the 28 U.S.C. § 1915(e)(2) screening standard, which it stated is the same as the Federal Rule of Civil Procedure 12(b)(6) standard. The court accepted material factual allegations as true, construed them in the plaintiff's favor, and liberally construed the pro se pleading, while declining to supply essential elements not pleaded.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Chikodi Chima v. City and County of San Francisco, Callahan, Thompson, Sherman & Nosowsky, Greata Schnetzler, Sydney Rae

Gressel, Healthright 360, Fred Finch Youth Center, Security National Insurance Company, Amtrust Financial Services, Inc., Aaron Gary Buchbinder, Eric Schnurpfeil, Bold, Polsner, Nelson, Maddow & Judson, Sharon Margaret Nagle, Greenlight Financial Technology, Cristin Morneau Bretzin, Charles Enterprise Group, LLC, Isaac Safier, Law Offices of Rebecca Feigelson, Rebecca Feigelson, Law Offices of Jim Reilly, Jim Reilly, Worldwide Wellness, Inc., Dr. Stephine Michael Stewart

TOPICS

subject matter jurisdiction

child custody

family law

section 1983

civil procedure

PRACTICE AREAS

civil procedure

constitutional law

civil rights

family law

QUESTIONS PRESENTED

1. Whether the second amended complaint stated a claim cognizable under 28 U.S.C. § 1915(e)(2) and Federal Rule of Civil Procedure 12(b)(6).
2. Whether the domestic-relations exception or related abstention doctrine deprived the federal court of jurisdiction over claims arising from and centered on state-court child-custody proceedings.
3. Whether Plaintiff should be granted leave to amend after filing the second amended complaint without first obtaining leave under Federal Rule of Civil Procedure 15(a)(2).

HOLDINGS

1. A federal court should abstain from adjudicating claims that are, at their core, domestic-relations disputes involving child-custody matters, even when the complaint is styled as a constitutional or 42 U.S.C. § 1983 action and alleges a conspiracy or retaliation.
2. Dismissal without leave to amend is appropriate when it is absolutely clear that the complaint's deficiencies cannot be overcome by amendment.

KEY QUOTATIONS

“the undersigned finds the second amended complaint fails to state a claim on which relief may be granted, as it is at its core a domestic relations dispute subject to abstention.” (at 1)

“Plaintiff’s second amended complaint makes clear that this case, like his previous one, is at its core a domestic relations dispute.” (at 3)

“Based on the analysis above, the undersigned RECOMMENDS Plaintiff’s complaint be DISMISSED WITHOUT LEAVE TO AMEND.” (at 4)

FACTUAL BACKGROUND

Plaintiff alleged that numerous state, quasi-state, and private actors retaliated against him and obstructed his efforts to challenge the record and procedures in an ongoing or recently concluded California family-law custody matter. He alleged defects involving service, court orders, mediation, testimony, judicial assignments, and access to court information, and claimed resulting injuries to custody-related rights, parental decision-making authority, and family integrity. Although he framed the action as a federal civil-rights and First Amendment retaliation claim and stated that he did not seek to overturn a custody determination, the court found that the claims were centered on the custody proceedings.

PROCEDURAL HISTORY

The court granted Plaintiff leave to proceed in forma pauperis and screened the initial complaint, then screened the first amended complaint and directed service on two defendants. Plaintiff filed a second amended complaint without seeking leave of court and added numerous defendants. The magistrate judge concluded that the pleading remained fundamentally a domestic-relations dispute arising from state-court custody proceedings and recommended dismissal without leave to amend.

DISPOSITION

dismissed

CASES CITED

- Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-57 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Pena v. Gardner, 976 F.2d 469, 471 (9th Cir. 1992)
- Chima v. Perkins, 2025 WL 3182071 (N.D. Cal. Nov. 5, 2025)
- Henderson ex rel. Henderson v. Shinseki, 562 U.S. 428, 434 (2011)
- Valdez v. Allstate Ins. Co., 372 F.3d 1115, 1116 (9th Cir. 2004)
- Ankenbrandt v. Richards, 504 U.S. 689, 703, 705 (1992)
- Burford v. Sun Oil Co., 319 U.S. 315 (1943)
- Csibi v. Fustos, 670 F.2d 134, 137 (9th Cir. 1982)
- Coats v. Woods, 819 F.2d 236, 237 (9th Cir. 1987)
- Thompson v. Thompson, 798 F.2d 1547, 1558 (9th Cir. 1986)
- Caetano v. Santa Clara County, 2002 WL 1677723, at *5-*6 (N.D. Cal. July 19, 2002)
- Cook, Perkiss & Liehe, Inc. v. N. Cal. Collection Serv., Inc., 911 F.2d 242, 247 (9th Cir. 1990)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
CHIKODI CHIMA, Case No. 25-cv-10294-TSH 8 Plaintiff, REPORT & RECOMMENDATION 9
v. Re: Dkt. No. 11 10 CITY AND COUNTY OF SAN FRANCISCO, et al., 11 Defendants. 12 13

I. INTRODUCTION 14 On December 2, 2025, the Court granted Plaintiff Chikodi Chima's application to proceed 15 in forma pauperis and screened the initial complaint, finding it deficient under 28 U.S.C. § 16 1915(e).

ECF No. 4. After Plaintiff filed a First Amended Complaint, the Court engaged in a 17 preliminary screening and directed the U.S. Marshal to serve it upon the two named defendants, 18 the City and County of San Francisco and Callahan, Thompson, Sherman & Caudill. ECF Nos. 6, 19 7. Plaintiff has now filed a Second Amended Complaint, naming an additional 24 defendants.1 20 ECF No. 11.

21 For the reasons stated below, the undersigned finds the second amended complaint fails to 22 state a claim on which relief may be granted, as it is at its core a domestic relations dispute subject 23 to abstention.

As not all parties have consented to magistrate judge jurisdiction under 28 U.S.C. § 24 636(c), the Court requests this case be reassigned to a district judge and RECOMMENDS the 25 26 1 As a preliminary matter, Federal Rule of Civil Procedure 15(a)(1) allows amendment only once as a matter of course. Any further amendment requires either written consent of the opposing 27 party or leave of court under Rule 15(a)(2).

As Plaintiff did not seek leave to file a second 1 complaint be DISMISSED WITHOUT LEAVE TO AMEND. 2 II. BACKGROUND 3 Plaintiff brought his initial complaint against the State of California "through its agencies, 4 including the Judicial Council of California, the Superior Court of California, County of San 5 Francisco, and Doe Agencies 1-10"; the City and County of San Francisco "through its 6 departments, including the San Francisco Sheriff's Office, the San Francisco City Attorney's 7 Office, and Doe Agencies 11-20"; and Callahan, Thompson, Sherman & Caudill.

Compl. ¶¶ 6-8, 8 ECF No. 1. He alleged "a pattern of retaliatory harassment, interference with constitutionally 9 protected rights, and obstruction undertaken in response to Plaintiff's protected activity of filing a 10 federal civil rights lawsuit in the Northern District of California." Id. ¶ 1. Specifically, Plaintiff 11 alleged he brought another case in this District, Chima v. Perkins, No. 25-CV-06385-CRB, which 12 was dismissed on November 5, 2025.

Id. ¶ 11. Following dismissal, he alleges "Defendants" took 13 adverse actions against him "because he had engaged in the protected activity of petitioning the 14 federal courts for relief." Id. ¶ 12. Plaintiff brought one claim under 42 U.S.C. § 1983 for "First 15 Amendment Retaliation & Denial of Access to Courts." Id. ¶¶ 15-20. 16 The Court screened Plaintiff's complaint on December 2, 2025, noting several issues.

ECF 17 No. 4. First, the complaint failed to comply with Federal Rule of Civil Procedure 8 because 18 Plaintiff alleged in general terms that "Defendants" are liable for his claims, but he did

not set 19 forth a short and plain statement showing how each defendant is liable.

Second, the Court noted 20 the Eleventh Amendment likely barred his claims against the California defendants. Third, the 21 Court noted Plaintiff sought to bring a § 1983 claim against private actors, but he had not 22 plausibly alleged their conduct was “state action.” Id. 23 In his First Amended Complaint, filed on December 12, 2025, Plaintiff named only two 24 Defendants: City and County of San Francisco and Callahan, Thompson, Sherman & Caudill.

25 ECF No. 6. After screening the amended complaint, the Court directed the U.S. Marshal to serve 26 it upon the two named defendants. One week later, Plaintiff filed his second amended complaint, 27 naming 26 defendants: City and County of San Francisco; Callahan, Thompson, Sherman & 1 Nosowsky; Greata Schnetzler; Sydney Rae Gressel; Healthright 360, Fred Finch Youth Center; 2 Security National Insurance Company; Amtrust Financial Services, Inc.; Aaron Gary Buchbinder; 3 Eric Schnurpfeil; Bold, Polsner, Nelson, Maddow & Judson; Sharon Margaret Nagle; Greenlight 4 Financial Technology; Cristin Morneau Bretzin; Charles Enterprise Group, LLC; Isaac Safier; the 5 Law Offices of Rebecca Feigelson; Rebecca Feigelson; the Law Offices of Jim Reilly; Jim Reilly; 6 Worldwide Wellness, Inc.; and Dr. Stephine Michael Stewart.

7 Plaintiff now alleges that on May 19, 2025, he filed a motion to strike in his family law 8 case alleging “i. misuse of professional credentials; ii. subornation of perjury; and iii. undisclosed 9 conflicts of interest, each of which materially distorted the factual record and directly influenced 10 custody determinations.” Sec. Am. Compl. at 2. Specifically, Plaintiff alleges the San Francisco 11 Superior Court: 12 i. maintained a materially defective record by refusing to correct statutory and factual defects, including the omission of mandatory 13 Family Court Services mediation under Family Code §§ 3170–3171; 14 ii. relied upon and preserved a non-existent appellate decision (Brentwood Country Club (1997) 76 Cal.App.3d 252, 258.) as 15 governing authority to extinguish contempt and modify custody; and 16 iii. foreclosed Plaintiff’s statutory right to challenge fraudulent or misleading testimony presented by licensed professionals and 17 affiliated declarants 18 Id. He contends the superior court and other “aligned actors” named as defendants “escalated 19 retaliatory measures designed to suppress his efforts to correct the record,” including: 20 i. manipulated service pathways and jurisdictional barriers inconsistent with the Court’s own electronic court filing platform 21 (File & ServeXpress) and contractual obligations; 22 ii. procedural destabilization through contradictory minute orders, unexplained judicial reassignments, and shifting process signals; 23 iii. asymmetric access to judicial information, including the selective 24 dissemination of confidential tentative rulings to unauthorized recipients; 25 iv. cross-departmental and administrative actions by clerks, the 26 Sheriff’s Department, and other court-adjacent agencies reinforcing the same obstructive trajectory; and 27 abuse of process once the Court declined to remedy intrinsic defects.

1 2 Id. at 3. Plaintiff alleges “this pattern reveals a coordinated ‘Law Complex’: a constellation of
3 state, quasi-state, and private actors whose intertwined roles and common objectives served to 4
preserve a defective record and foreclose lawful corrective remedies. Id. As a result of these 5
harms, Plaintiff alleges “the loss of custody-related rights, parental decision-making authority, and
6 legally cognizable interests in family integrity.” Id. at 17.

Plaintiff emphasizes he “does not seek 7 to overturn, invalidate, or relitigate any judicial
determination,” instead framing his suit as seeking 8 vindication of federal rights while identifying
injuries tied to “custody-related rights.” Id. at 17- 9 18. 10 III. SUA SPONTE SCREENING
UNDER 28 U.S.C. § 1915(e)(2) 11 A. Legal Standard 12 A court must dismiss an in forma
pauperis complaint before service of process if it “(i) is 13 frivolous or malicious; (ii) fails to state
a claim on which relief may be granted; or (iii) seeks 14 monetary relief against a defendant who
is immune from such relief.” 28 U.S.C. § 1915(e)(2)(i)- 15 (iii). “The standard for determining
whether a plaintiff has failed to state a claim upon which 16 relief can be granted under § 1915(e)
(2)(B)(ii) is the same as the Federal Rule of Civil Procedure 17 12(b)(6) standard for failure to
state a claim.” *Watson v. Carter*, 668 F.3d 1108, 1112 (9th Cir.

18 2012) (citation omitted). As such, the complaint must allege facts that plausibly establish each
19 defendant’s liability. See *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555-57 (2007). “A claim
has 20 facial plausibility when the plaintiff pleads factual content that allows the court to draw the
21 reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*,
22 556 U.S. 662, 678 (2009).

In making this determination, the Court must “take as true all 23 allegations of material fact stated
in the complaint and construe them in the light most favorable to 24 the plaintiff.” *Watson*, 668
F.3d at 1112 (citation omitted).

The Court must also “construe a pro 25 se plaintiff’s pleadings liberally and afford the petitioner
the benefit of any doubt.” Id. (cleaned 26 up). However, the Court “may not supply essential
elements of the claim that were not initially 27 pled.” *Pena v. Gardner*, 976 F.2d 469, 471 (9th Cir.
1992). 1 B. Application 2 As noted above, Plaintiff previously brought a similar case in this
District.

See *Chima v. 3 Perkins*, No. 25-cv-06385-CRB. In that case, he sued 88 defendants—including his
former 4 spouse, her counsel, individuals who submitted statements in support of his former
spouse, judges 5 of the San Francisco Superior Court, social workers, police, financial and
insurance companies, 6 the State Bar of California, the Medical Board of California, the San
Francisco Unified School 7 District, the City and County of San Francisco, and others—in
connection with the same child 8 custody litigation in state court.

Id., ECF No. 12. The Court dismissed 25-cv-06385 without leave 9 to amend, finding “it is at its core a domestic relations dispute subject to abstention.” Id., ECF No. 10 21; Chima v. Perkins, 2025 WL 3182071, at *1 (N.D. Cal. Nov. 5, 2025). 11 In his second amended complaint in this case, the same holds true.

As courts of limited 12 jurisdiction, “federal courts have an independent obligation to ensure that they do not exceed the 13 scope of their jurisdiction.” Henderson ex rel. Henderson v. Shinseki, 562 U.S. 428, 434 (2011); 14 Valdez v. Allstate Ins. Co., 372 F.3d 1115, 1116 (9th Cir. 2004) (noting that district courts are 15 “obligated to consider sua sponte whether [they] have subject matter jurisdiction”).

The domestic 16 relations exception “divests the federal courts of power to issue divorce, alimony and child 17 custody decrees.” Ankenbrandt v. Richards, 504 U.S. 689, 703 (1992) (explaining domestic 18 relations exception to diversity jurisdiction). Even where parties “do not seek divorce, alimony, or 19 child custody,” federal courts may still abstain in cases “involving elements of the domestic 20 relationship.” Id. at 705 (citing Burford v. Sun Oil Co., 319 U.S. 315 (1943)).

Thus, abstention is 21 appropriate where “domestic relations problems are involved tangentially to other issues 22 determinative of the case.” Csibi v. Fustos, 670 F.2d 134, 137 (9th Cir. 1982); see also Coats v. 23 Woods, 819 F.2d 236, 237 (9th Cir. 1987) (Federal courts must follow the “abstention doctrine 24 under which federal courts traditionally decline to exercise jurisdiction in domestic relations cases 25 when the core issue involves the status of parent and child or husband and wife.”).

Abstention is 26 specifically appropriate in a case which, “while raising constitutional issues, is at its core a child 27 custody dispute.” Coats, 819 F.2d at 237; see also Thompson v. Thompson, 798 F.2d 1547, 1558 1 courts decline to hear disputes which would deeply involve them in adjudicating domestic 2 matters.”). 3 As summarized above, Plaintiff’s second amended complaint once again raises the same 4 conspiracy theories related to child custody proceedings, alleging the named defendants conspired 5 to retaliate against him and suppress his efforts to correct the record in those proceedings.

This 6 “coordinated ‘Law Complex’” led to loss and impairment of “custody-related rights, parental 7 decision-making authority, and legally cognizable interests in family integrity.” Sec. Am. Compl. 8 at 3, 17. Further, as the court found in Plaintiff’s earlier case, even where a complaint brings 9 section 1983 claims, and even where it alleges “a massive conspiracy,” if it is essentially about a 10 custody dispute, it is subject to the domestic relations exception.

Chima, 2025 WL 3182071, at *3 11 (quoting Caetano v. Santa Clara County, 2002 WL 1677723, at *5 (N.D. Cal. July 19, 2002)).2 12 Plaintiff emphasizes he “does not seek to overturn, invalidate, or relitigate any judicial 13 determination, but instead seeks to vindicate the denial of

rights guaranteed under the United States Constitution and federal law, and to recover for injuries caused by Defendants' independent racketeering and retaliatory conduct." Sec. Am.

Compl. at 18. But he concedes the claims arise from "his family law matter" and "custody determinations." Id. at 2. He raised this same argument in his previous case, but the court held the proper place to bring such challenges was in California courts, not federal court. Chima, 2025 WL 3182071, at *4 (citing Caetano, 2002 WL 19 1677723, at *6). Plaintiff's second amended complaint makes clear that this case, like his previous one, is at its core a domestic relations dispute.

As such, the undersigned finds the Court is without jurisdiction over Plaintiff's claims and "repleading will not cure the deficiencies in the complaint. When it is absolutely clear that the deficiencies in a complaint cannot be overcome by amendment, the court need not provide an opportunity to amend." Caetano, 2002 WL 1677723, at *6 (citing Cook, Perkiss & Liehe, Inc. v. N. Cal. Collection Serv., Inc., 911 F.2d 242, 247 (9th Cir.

1990); On Westlaw, the case is called Cartano v. Santa Clara County, but the order itself refers to the Chima, 2025 WL 3182071, at *4. Accordingly, the undersigned recommends the Court dismiss Plaintiff's claims without leave to amend. IV. CONCLUSION Based on the analysis above, the undersigned RECOMMENDS Plaintiff's complaint be DISMISSED WITHOUT LEAVE TO AMEND.

Pursuant to Federal Rule of Civil Procedure 6(e)(2)(B), any party may serve and file objections to this Report and Recommendation within 14 days after being served. Failure to file objections within the specified time may waive the right to appeal the district court's order. The Court reminds Plaintiff that he may wish to seek assistance from the Legal Help Center, a free service offered by the Bar Association of San Francisco where he can speak with an attorney who may be able to provide basic legal help but not representation.

He may request an appointment by emailing fedpro@sfbar.org or calling 415-782-8982. At the Legal Help Center, you. More information is available at <https://www.cand.uscourts.gov/pro-se-litigants/>. Plaintiff may also wish to obtain a copy of this District's Handbook for Litigants Without a Lawyer, which provides instructions on how to proceed at every stage of a case.

The handbook is available in a person at the Clerk's Office and online at: <https://www.cand.uscourts.gov/pro-se-litigants/>, IT IS SO ORDERED. Dated: December 22, 2025 TAA. } □ THOMAS S. HIXSON United States Magistrate Judge