

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.

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 complaint, the complaint is 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.” *Watison 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. 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 14 States Constitution and federal law, and to recover for injuries caused by Defendants’ independent 15 racketeering and retaliatory conduct.” *Sec. Am.*

Compl. at 18. But he concedes the claims arise 16 from “his family law matter” and “custody determinations.” *Id.* at 2. He raised this same 17 argument in his previous case, but the court held the proper place to bring such challenges was in 18 California courts, not federal court. *Chima*, 2025 WL 3182071, at *4 (citing *Caetano*, 2002 WL 19 1677723, at *6). 20 Plaintiff’s second amended complaint makes clear that this case, like his previous one, is at 21 its core a domestic relations dispute.

As such, the undersigned finds the Court is without 22 jurisdiction over Plaintiff’s claims and “repleading will not cure the deficiencies in the complaint. 23 When it is absolutely clear that the deficiencies in a complaint cannot be overcome by amendment, 24 the court need not provide an opportunity to amend.” *Caetano*, 2002 WL 1677723, at *6 (citing 25 *Cook, Perkiss & Liehe, Inc. v. N. Cal. Collection Serv., Inc.*, 911 F.2d 242, 247 (9th Cir.

1990); 26 27 2 On Westlaw, the case is called Cartano v. Santa Clara County, but the order itself refers to the 1 Chima, 2025 WL 3182071, at *4. Accordingly, the undersigned recommends the Court dismiss 2 || Plaintiff's claims without leave to amend. 3 IV. CONCLUSION 4 Based on the analysis above, the undersigned RECOMMENDS Plaintiff's complaint be 5 DISMISSED WITHOUT LEAVE TO AMEND.

Pursuant to Federal Rule of Civil Procedure 6 || 72, any party may serve and file objections to this Report and Recommendation within 14 days 7 after being served. Failure to file objections within the specified time may waive the right to 8 appeal the district court's order. 9 The Court reminds Plaintiff that he may wish to seek assistance from the Legal Help 10 || Center, a free service offered by the Bar Association of San Francisco where he can speak with an 11 attorney who may be able to provide basic legal help but not representation.

He may request an 12 appointment by emailing fedpro @sfbar.org or calling 415-782-8982. At the Legal Help Center, 5 13 you. More information is available at <https://www.cand.uscourts.gov/pro-se-litigants/>. Plaintiff 14 || may also wish to obtain a copy of this District's Handbook for Litigants Without a Lawyer, which 3 15 provides instructions on how to proceed at every stage of a case.

The handbook is available in a 16 || person at the Clerk's Office and online at: <https://www.cand.uscourts.gov/pro-se-litigants/>, IT IS SO ORDERED. 19 Dated: December 22, 2025 20 TAA. || } □ THOMAS S. HIXSON 21 United States Magistrate Judge 22 23 24 25 26 27 28