

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Dunn v. Department of Consumer Affair

No. 1:25-cv-0777 JLT SKO (E.D. Cal. Aug. 21, 2025) · No. 1:25-cv-0777 JLT SKO · Decided August 21, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted findings and recommendations dismissing Alana Dunn and Emma Dunn’s action for failure to state a claim. The court denied leave to amend and denied a construed motion to file a second amended complaint, finding the proposed amendment futile because it did not present a cognizable federal or state claim. The action was dismissed without prejudice, and the Clerk was directed to close the case.

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	August 21, 2025
DOCKET	1:25-cv-0777 JLT SKO
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court conducted de novo review of a magistrate judge's findings and recommendations recommending dismissal without prejudice and without leave to amend. Plaintiffs lodged a second amended complaint and a construed motion to amend while the findings and recommendations were pending.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) of the findings and recommendations.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Alana Dunn, Emma Dunn v. Department of Consumer Affair, other defendants

TOPICS

- pleadings
- motion to amend
- civil procedure
- consumer protection
- administrative law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiffs' amended and lodged second amended complaints stated a cognizable claim and complied with Federal Rule of Civil Procedure 8.
2. Whether further amendment under Federal Rule of Civil Procedure 15 would be futile.
3. Whether the magistrate judge's findings and recommendations should be adopted after de novo review under 28 U.S.C. § 636(b)(1).

HOLDINGS

1. Plaintiffs failed to state a cognizable claim because their pleadings did not allege specific facts establishing liability by the named defendants, did not comply with Rule 8, and did not identify a federal statute or constitutional doctrine supporting their claims.
2. The construed Rule 15 motion to amend was denied because the proposed second amended complaint did not cure the pleading deficiencies and amendment would be futile.
3. The district court adopted the findings and recommendations in full after conducting de novo review.

KEY QUOTATIONS

“Plaintiffs do “not allege any specific facts giving rise to liability by the named defendants,” and it was “unclear how the alleged conduct by the defendants establishes the claims that Plaintiffs purport to bring against them.”” (at 1)

“Plaintiffs fail to state a cognizable claim, and review of the lodged amended pleading confirms that further amendment would be futile.” (at 2)

FACTUAL BACKGROUND

Alana Dunn and Emma Dunn sought to impose liability on defendants based on alleged conduct involving an unlicensed architect, tax benefits, privacy-related photographs, theft of funds, a language barrier, and rude actions. Their pleadings cited California Penal Code and Business and Professions Code provisions, 28 U.S.C. § 2255, and possibly the Federal Tort Claims Act. The court found that the pleadings did not allege specific facts connecting the named defendants to liability or identify a federal statute or constitutional doctrine supporting a cognizable claim.

PROCEDURAL HISTORY

The magistrate judge screened Plaintiffs' amended complaint under 28 U.S.C. § 1915(e)(2), found that it violated Federal Rule of Civil Procedure 8 and failed to state a cognizable claim, and recommended dismissal without prejudice and without leave to amend. Plaintiffs did not object within the prescribed period but lodged a second amended complaint and a document construed as a Rule 15 motion to amend. After de novo review, the district court adopted the findings and recommendations, dismissed the action without prejudice and without leave to amend, denied the motion to amend as futile, and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Cleveland v. Xiong, 2023 WL 2354817, at *5 (E.D. Cal. Mar. 3, 2023), adopted, 2023 WL 4352629 (E.D. Cal. July 5, 2023)
- Wilson v. Mule Creek State Prison, 2024 WL 4289852, at *3 (E.D. Cal. Sept. 25, 2024)
- Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir. 2000)

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