

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Rasheed v. United States Government Agent

Rasheed · No. 25-cv-04096-TSH · Decided October 3, 2025

SUMMARY

This second screening order addresses a pro se plaintiff’s First Amended Complaint under 28 U.S.C. § 1915(e). The court finds deficiencies involving sovereign immunity, state action, municipal liability, pleading under Federal Rule of Civil Procedure 8, frivolousness, improper joinder, statute of limitations, and Title VII applicability. The court grants leave to amend and orders the plaintiff to file a second amended complaint by November 7, 2025.

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	October 3, 2025
DOCKET	25-cv-04096-TSH
DISPOSITION	other
PROCEDURAL POSTURE	Second screening of a first amended complaint filed by a pro se plaintiff proceeding in forma pauperis under 28 U.S.C. § 1915(e).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the Court must dismiss an in forma pauperis complaint before service if it is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The failure-to-state-a-claim standard is the same as Federal Rule of Civil Procedure 12(b)(6), and the Court accepts material factual allegations as true and construes them in the plaintiff’s favor, while liberally construing pro se pleadings without supplying missing essential elements.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Tahee A. Rasheed v. United States Government Agent, et al.

TOPICS

pleadings

civil procedure

subject matter jurisdiction

sovereign immunity

joinder

PRACTICE AREAS

civil procedure

civil rights

constitutional law

federal jurisdiction

QUESTIONS PRESENTED

1. Whether the first amended complaint stated claims against federal defendants despite failing to allege a waiver of sovereign immunity.
2. Whether the constitutional claims against private defendants adequately alleged state action.
3. Whether the claims against municipal defendants adequately alleged liability under Monell.
4. Whether the amended complaint complied with Federal Rule of Civil Procedure 8.
5. Whether the claims were improperly joined under Federal Rule of Civil Procedure 20.
6. Whether claims based on events dating back to 1998 appeared untimely on the face of the complaint.
7. Whether Plaintiff stated a Title VII claim against the Postal Service without alleging an employment relationship.
8. Whether the amended complaint should be dismissed at the screening stage or Plaintiff should receive another opportunity to amend.

HOLDINGS

1. Claims against the United States Government FBI, United States Treasury, Postal Service, and United States Employee were subject to dismissal because Plaintiff did not allege a waiver of sovereign immunity; stand-alone constitutional damages claims against the United States were also barred absent such a waiver.
2. Plaintiff's constitutional claims against the private defendants were subject to dismissal because he alleged no facts showing that their conduct constituted state action.
3. The claims against the municipal police-department defendants failed because Plaintiff did not allege that a municipal custom, practice, or policy caused the claimed injuries.
4. The amended complaint failed to satisfy Rule 8 and the plausibility requirement because it did not clearly identify the legal rights or laws allegedly violated, connect each defendant to specific wrongdoing, explain the resulting harm, and identify the requested relief.
5. The sixteen defendants were improperly joined because the amended complaint did not allege claims arising from the same transaction, occurrence, or series of occurrences or presenting a common question of law or fact.
6. The Court concluded that claims based on events dating to 1998 appeared to be time-barred on the face of the amended complaint and could be subject to sua sponte dismissal if the defense were complete and obvious.

7. Plaintiff failed to state a Title VII claim against the Postal Service because he did not allege an applicable employment relationship.

KEY QUOTATIONS

“No later than November 7, 2025, Plaintiff must file a second amended complaint curing the deficiencies identified in this screening order.” (at 1)

“To comply with Rule 8, a complaint must provide sufficient factual allegations to state a claim to relief that is plausible on its face.” (at 7)

FACTUAL BACKGROUND

Plaintiff alleged that various federal agencies and employees, police departments, private businesses and banks, and individuals violated constitutional rights by conducting illegal searches and seizures, withholding assets and money, ejecting him from land, moving him to Treasury Island, and engaging in other alleged misconduct. He also alleged sex discrimination by the Postal Service under Title VII. The amended complaint named sixteen defendants but did not provide facts connecting each defendant to a specific legal violation, and many allegations concerned events dating as far back as 1998.

PROCEDURAL HISTORY

The Court previously granted Plaintiff leave to proceed in forma pauperis and screened his original complaint, identifying deficiencies including sovereign-immunity, state-action, Rule 8, and statute-of-limitations problems. Plaintiff filed a first amended complaint naming sixteen defendants and asserting constitutional, Title VII, and other claims. The Court found the amended complaint still deficient but granted Plaintiff leave to file a second amended complaint by November 7, 2025, warning that failure to cure the deficiencies could result in reassignment to a district judge with a recommendation for dismissal.

DISPOSITION

other

CASES CITED

- Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Pena v. Gardner, 976 F.2d 469, 471 (9th Cir. 1992)
- McHenry v. Renne, 84 F.3d 1172, 1179-80 (9th Cir. 1996)
- Loeffler v. Frank, 486 U.S. 549, 554 (1988)
- Morales-Alfaro v. United States Dep't of Homeland Sec., No. 20-cv-82-LAB (BGS), 2020 WL 248968, at *1 (S.D. Cal. Jan. 15, 2020)
- United States v. Mitchell, 463 U.S. 206, 212 (1983)
- Plater v. United States, 359 F. Supp. 3d 930, 937 (C.D. Cal. 2018)

- *Beals v. U.S. Dep't of Justice*, 460 F. App'x 773, 775 (10th Cir. 2012)
- *Rivera v. United States*, 924 F.2d 948, 951 (9th Cir. 1991)
- *Jauregui v. United States*, No. 8:23-cv-01633-MWF-AJR, 2024 WL 4269103, at *1, *4 (C.D. Cal. July 3, 2024), report and recommendation adopted sub nom. *Jauregui v. Dep't of Homeland Sec.*, 2024 WL 4271566 (C.D. Cal. Sept. 23, 2024)
- *George v. Pac.-CSC Work Furlough*, 91 F.3d 1227, 1229 (9th Cir. 1996) (per curiam)
- *Florer v. Congregation Pidyon Shevuym, N.A.*, 639 F.3d 916 (9th Cir. 2011)
- *Brentwood Acad. v. Tennessee Secondary Sch. Athletic Ass'n*, 531 U.S. 288, 295-96 (2001)
- *Smith v. St. Jude's Ranch*, No. 2:18-cv-00784-JAD-GWF, 2018 WL 2088870, at *1 (D. Nev. May 4, 2018)
- *Jackson v. Metro. Edison Co.*, 419 U.S. 345, 350 (1974)
- *Monell v. Dep't of Soc. Servs. of City of New York*, 436 U.S. 658, 690-91 (1978)
- *Dougherty v. City of Covina*, 654 F.3d 892, 900 (9th Cir. 2011)
- *City of Canton v. Harris*, 489 U.S. 378, 385 (1989)
- *Connick v. Thompson*, 563 U.S. 51, 60 (2011)
- *Denton v. Hernandez*, 504 U.S. 25, 31-33 (1992)
- *Neitzke v. Williams*, 490 U.S. 319, 325, 327 (1989)
- *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1060-61 (9th Cir. 2007)
- *Coughlin v. Rogers*, 130 F.3d 1348, 1350-51 (9th Cir. 1997)
- *United States v. Page*, 116 F.4th 822, 825 (9th Cir. 2024)
- *New York State Teachers' Ret. Sys. v. Fremont Gen. Corp.*, 460 F. App'x 642, 643 (9th Cir. 2011)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
TAHEE A. RASHEED, Case No. 25-cv-04096-TSH 8 Plaintiff, SECOND SCREENING ORDER
9 v. PURSUANT TO 28 U.S.C. § 1915(e) 10 UNITED STATES GOVERNMENT AGENT, et al.,
11 Defendants. 12 13 14 I. INTRODUCTION 15 On May 19, 2025, the Court granted Plaintiff
Tahee A. Rasheed's application to proceed in 16 forma pauperis and screened the complaint,
finding it deficient under 28 U.S.C. § 1915(e).

ECF 17 No. 4. Plaintiff has now filed a First Amended Complaint. ECF No. 11. For the reasons
stated 18 below, the Court finds the amended complaint is still deficient. No later than November
7, 2025, 19 Plaintiff must file a second amended complaint curing the deficiencies identified in
this screening 20 order. If Plaintiff fails to cure these deficiencies, the case will be reassigned to a
district judge 21 with a recommendation for dismissal.

22 II. BACKGROUND 23 Plaintiff's original complaint appeared to allege violations of the First,
Fifth, and 24 Fourteenth Amendments. Compl. at 2 (ECF No. 1). Plaintiff claimed that in 2012, the

U.S. 25 Government placed him under a watch program that violated these rights by restricting financial 26 transactions related to his religious obligations. *Id.* at 3–4.

In the original complaint, plaintiff 27 named “United States Government (Homeland Security),” “Department of Treasurer ‘Agent’ 1 In the first screening order, the Court concluded that (1) Plaintiff’s claims against the two 2 federal defendants (U.S. Government and Department of Treasurer Agent Officer) were deficient 3 because Plaintiff did not allege a waiver of sovereign immunity for his claims; (2) the claims 4 against the unnamed credit union manager were deficient because Plaintiff did not allege facts 5 showing the credit union manager acted under color of state law; (3) Plaintiff’s complaint did not 6 comply with Federal Rule of Civil Procedure 8; and (4) Plaintiff’s claims were likely time-barred.

7 ECF No. 4 at 3–5. The Court instructed that unless Plaintiff cured these deficiencies, the case 8 would be reassigned to a district judge with a recommendation for dismissal. *Id.* at 1. 9 In the First Amended Complaint (“FAC”), Plaintiff again alleges constitutional violations, 10 specifically under the First, Fourth, Fifth, Eighth, and Fourteenth Amendments.

FAC at 2–6 (ECF 11 No. 11). In the FAC, Plaintiff names the following sixteen parties as Defendants: “Duane 12 Wachtolborn, Pacifica Police Department”; “City and County of San Mateo Police Department”; 13 “City and County of South San Francisco, Police Department”; “City and County of Alameda 14 Police Department”; “United States Government F.B.I.”; “United States Treasury”; “Doctor”; 15 “Hacker”; “Mobil Oil”; “Postal Service”; “Capital One Bank”; “Chase Bank”; “Navy Federal 16 Credit Union Bank (and “[t]he Acting Bank Manager)”; “Bank of America”; “United States 17 Employee”; and “Wilson Meany from the Lennar Corp. [sic].” *Id.* Overall, Plaintiff alleges that 18 the various Defendants subjected him to “illegal search and seizure,” refused to give Plaintiff his 19 “assets” and “money,” and “ejected” Plaintiff “from 140 acres of land.” *Id.* Plaintiff further 20 alleges that Defendant Postal Service violated his rights under “Title VII of the Civil Rights Act” 21 based on sex discrimination, and that Defendant Wilson Meany harmed Plaintiff by moving him to 22 “Treasury Island for 3 years.” *Id.* at 4, 6.

23 III. SUA SPONTE SCREENING UNDER 28 U.S.C. § 1915(e)(2) 24 A. Legal Standard 25 A court must dismiss an in forma pauperis complaint before service of process if it “(i) is 26 frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks 27 monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(i) – 1 relief can be granted under § 1915(e)(2)(B)(ii) is the same as the Federal Rule of Civil Procedure 2 12(b)(6) standard for failure to state a claim.” *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir.

3 2012) (citation omitted). As such, the complaint must allege facts that plausibly establish each 4 defendant’s liability. See *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555–57 (2007). “A claim has 5 facial plausibility when the plaintiff pleads factual content that allows the court to draw the 6

reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 7556 U.S. 662, 678 (2009).

In making this determination, the Court must “take as true all 8 allegations of material fact stated in the complaint and construe them in the light most favorable to 9 the plaintiff.” *Watson*, 668 F.3d at 1112 (citation omitted).

The Court must also “construe a pro 10 se plaintiff’s pleadings liberally and afford the petitioner the benefit of any doubt.” *Id.* (cleaned 11 up). However, the Court “may not supply essential elements of the claim that were not initially 12 pled.” *Pena v. Gardner*, 976 F.2d 469, 471 (9th Cir. 1992) (cleaned up). 13 A complaint must also comply with Federal Rule of Civil Procedure 8, which requires the 14 complaint to contain “a short and plain statement of the claim showing that the pleader is entitled 15 to relief.” *Fed.*

R. Civ. P. 8(a)(2). The failure to comply with Rule 8 is a basis for dismissal that is 16 not dependent on whether the complaint is without merit. *McHenry v. Renne*, 84 F.3d 1172, 1179 17 (9th Cir. 1996). Accordingly, even claims which are not on their face subject to dismissal under 18 Rule 12(b)(6) may still be dismissed for violating Rule 8(a). *Id.* 19 B. Application 20 1.

Parties 21 a. U.S. Government Defendants 22 In the FAC, Plaintiff appears to name four federal defendants, “United States Government 23 F.B.I.,” “United States Treasury,” “Postal Service,” and “United States Employee.” FAC at 2–6. 24 However, absent a waiver, the United States and its agencies enjoy sovereign immunity from suit. 25 *Loeffler v. Frank*, 486 U.S. 549, 554 (1988). “The same is true of federal officers sued in their 26 official capacities.” *Morales-Alfaro v. United States Dep’t of Homeland Sec.*, No. 20-cv-82-LAB 27 (BGS), 2020 WL 248968, at *1 (S.D.

Cal. Jan. 15, 2020). Sovereign immunity is jurisdictional, 1 *Mitchell*, 463 U.S. 206, 212 (1983). “The burden to show that sovereign immunity has been 2 waived is on the party bringing suit.” *Plater v. United States*, 359 F. Supp. 3d 930, 937 (C.D. Cal. 3 2018) (citing *Beals v. U.S. Dep’t of Justice*, 460 F. App’x 773, 775 (10th Cir. 2012)). 4 Here, as with his original complaint, Plaintiff has not alleged a waiver of sovereign 5 immunity for his claims in the FAC.

However, to the extent he seeks to bring stand-alone claims 6 for violations of his constitutional rights, this Court lacks subject matter jurisdiction over any such 7 claim. See *Rivera v. United States*, 924 F.2d 948, 951 (9th Cir. 1991) (explaining that “the United 8 States has not waived sovereign immunity with respect to [constitutional damage] claims”); 9 *Jauregui v. United States*, No. 8:23-cv-01633-MWF-AJR, 2024 WL 4269103, at *1, 4 (C.D.

Cal. 10 July 3, 2024), report and recommendation adopted sub nom. *Jauregui v. Dep’t of Homeland Sec.*, 11 2024 WL 4271566 (C.D. Cal. Sept. 23, 2024) (dismissing for lack of subject matter jurisdiction 12 claims against the FBI and Department of Homeland Security alleging that both agencies were 13 “targeting” plaintiff and his family); *Morales-Alfaro*, 2020 WL 248968, at

*1 (“Because the 14 complaint does not allege waiver of sovereign immunity for the Department of Homeland Security 15 or any of the officers — all of whom are sued in their official capacities — the complaint fails to 16 establish subject matter jurisdiction over any claims against them.”).

17 Accordingly, Plaintiff’s claims against “United States Government F.B.I.,” “United States 18 Treasury,” “Postal Service,” and “United States Employee” are subject to dismissal. 19 b. Private Party Defendants 20 In the FAC, Plaintiff appears to allege constitutional violations against seven private party 21 defendants, “Doctor,” “Hacker,” “Mobil Oil,” “Capital One Bank,” “Chase Bank,” “Navy Federal 22 Credit Union Bank,” and “Bank of America.” FAC at 2–6, 8–10.

As to these private parties, 23 Plaintiff’s constitutional claims are improper. “Individuals bringing actions against private parties 24 for infringement of their constitutional rights... must show that the private parties’ infringement 25 somehow constitutes state action.” *George v. Pac.-CSC Work Furlough*, 91 F.3d 1227, 1229 (9th 26 Cir. 1996) (per curiam) (citation omitted); see also 42 U.S.C. § 1983.

The presumption is that a 27 private actor’s conduct is not state action. *Florer v. Congregation Pidyon Shevuym, N.A.*, 639 1 State and the challenged action that seemingly private behavior may be fairly treated as that of the 2 State itself.” *Brentwood Acad. v. Tennessee Secondary Sch. Athletic Ass’n*, 531 U.S. 288, 295 3 (2001) (cleaned up). Courts may find state action when the challenged activity “results from the 4 State’s exercise of coercive power, when the State provides significant encouragement, either 5 overt or covert, or when a private actor operates as a willful participant in joint activity with the 6 State or its agents.” *Id.* at 296 (cleaned up).

7 Here, although Plaintiff makes a conclusory statement that the private party defendants 8 were “acting under color of state laws,” Plaintiff has alleged no facts showing that the actions of 9 the unnamed doctor, unnamed hacker, Mobil Oil, or the four banks constituted state action. FAC 10 at 2–6, 8–10.

As such, his constitutional claims against these defendants are subject to dismissal. 11 See *Smith v. St. Jude’s Ranch*, No. 2:18-cv-00784-JAD-GWF, 2018 WL 2088870, at *1 (D. Nev. 12 May 4, 2018) (quoting *Jackson v. Metro. Edison Co.*, 419 U.S. 345, 350 (1974)) (“Even involving 13 cases where there is extensive state funding and regulation of a private activity, ‘the mere fact that 14 a business is subject to state regulation does not by itself convert its action into that of the State for 15 purposes of the Fourteenth Amendment.’”).

16 c. Municipal Defendants 17 In the FAC, Plaintiff appears to name three municipal defendants, “City and County of San 18 Mateo Police Department,” “City and County of South San Francisco, Police Department,” and 19 “City and County of Alameda Police Department.” FAC at 2–6. 20 Plaintiff’s claims against the municipalities invoke the principles set forth in *Monell v. 21 Dep’t of Soc.*

Servs. of City of New York, 436 U.S. 658 (1978). Monell permits a plaintiff to sue a municipality when he or she has suffered a civil rights violation caused by a custom, practice, or policy created by the municipality. *Dougherty v. City of Covina*, 654 F.3d 892, 900 (9th Cir. 2011); see also *City of Canton v. Harris*, 489 U.S. 378, 385 (1989); *Monell*, 436 U.S. at 690–91.

To establish municipal liability, plaintiffs “must prove that ‘action pursuant to official municipal policy’ caused their injury.” *Connick v. Thompson*, 563 U.S. 51, 60 (2011) (quoting *Monell*, 436 U.S. at 691). 1 showing that his alleged injuries were caused by customs, practices, or policies of the municipal 2 defendants.

Therefore, because Plaintiff’s claims against the municipalities do not state a claim 3 under Monell liability, dismissal of these claims is appropriate. 4 2. Rule 8 5 Some of the claims alleged in the FAC do not comply with Federal Rule of Civil 6 Procedure 8. “Something labeled a complaint but written... without simplicity, conciseness and 7 clarity as to whom plaintiffs are suing for what wrongs, fails to perform the essential functions of 8 a complaint.” *McHenry*, 84 F.3d at 1180.

To comply with Rule 8, a complaint need not provide 9 detailed factual allegations, but it is “a plaintiff’s obligation to provide the grounds of his 10 entitlement to relief.” *Twombly*, 550 U.S. at 555 (cleaned up). A plaintiff must do more than 11 assert “labels and conclusions, and a formulaic recitation of the elements of a cause of action will 12 not do.” *Id.* Rather, the plaintiff must provide sufficient factual allegations “to state a claim to 13 relief that is plausible on its face.” *Id.* at 570.

14 Here, Plaintiff alleges that “Wilson Meany from the Lennar Corp. [sic]” caused Plaintiff 15 harm related to “Treasury Island,” but Plaintiff does not state a claim for relief against this 16 defendant. FAC at 6–10. It is not clear which laws or rights Plaintiff alleges were violated by 17 Wilson Meany. 18 Thus, to comply with Rule 8’s pleading requirement, Plaintiff must amend the complaint to 19 allege: (1) the specific laws or rights that you think the defendant(s) violated; (2) for each law or 20 right, state the specific factual allegations that connect each defendant with the alleged 21 wrongdoing, including the dates, the names of people involved, and what those people did to you; (3) 22 how you were harmed; and (4) what relief you seek.

23 3. Frivolousness 24 It appears some of Plaintiff’s claims may be frivolous. “‘A complaint... is frivolous 25 where it lacks an arguable basis either in law or in fact.’” *Denton v. Hernandez*, 504 U.S. 25, 31 26 (1992) (quoting *Neitzke v. Williams*, 490 U.S. 319, 325 (1989)). Frivolous claims are “claims 27 describing fantastic or delusional scenarios....” *Id.* at 32.

When determining whether to dismiss 1 to pierce the veil of the complaint’s factual allegations,” meaning it “is not bound, as it usually is 2 when making a determination based solely on the pleadings, to accept without question the truth 3 of the plaintiff’s allegations.” *Id.* (quoting *Neitzke*, 490 U.S. at 327). 4 The Court finds that some of the allegations in the FAC are frivolous, such as claims that 5 Plaintiff is a “share holder and a representative” of Mobil Oil and as such,

has the right to “request 6 \$15,000,000 instocks [sic] to be paid under protest to plaintiff, as an addition [sic] tax paid under 7 protest.” FAC at 5–6. “An in forma pauperis complaint may not be dismissed... simply because 8 the court finds the plaintiff’s allegations unlikely.” Denton, 504 U.S. at 33.

But “a finding of 9 factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the 10 wholly incredible, whether or not there are judicially noticeable facts available to contradict 11 them.” *Id.* As the Ninth Circuit has explained, frivolous litigation “is not limited to cases in 12 which a legal claim is entirely without merit....

[A] person with a measured legitimate claim 13 may cross the line into frivolous litigation by asserting facts that are grossly exaggerated or totally 14 false.” *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1060–61 (9th Cir. 2007). 15 4. Joinder 16 Plaintiff has listed sixteen defendants in the FAC. These parties, however, are not properly 17 joined under the Federal Rule of Civil Procedure 20.

Through Rule 20(a)(2), defendants can be 18 joined when: (A) the right to relief is asserted against them “jointly, severally, or in the alternative 19 with respect to or arising out of the same transaction, occurrence, or series of transactions or 20 occurrences; and (B) any question of law or fact common to all defendants will arise in the 21 action.” *Fed.*

R. Civ. P. 20(a)(2). The “same transaction” requirement of the first prong refers to 22 the “similarity in the factual background of the claim.” *Coughlin v. Rogers*, 130 F.3d 1348, 1350 23 (9th Cir. 1997). There must be a “systematic pattern of events” that the claims arise from for them 24 to “arise from the same transaction or occurrence.” *Id.* 25 Here, Plaintiff alleges different legal claims for multiple defendants, many of which are 26 unrelated to each other.

There are a variety of claims made against the defendants, including 27 “illegal search and seizure,” “ha[ving] plaintiff moved to a harsh environment,” “refus[ing] to 1 hacker,” “violated Title VII of the Civil Rights Act of 1964,” and “giving plaintiff assets away to a 2 hacker,” that appear to arise out of separate conduct. FAC at 6–10. Plaintiff fails to allege a 3 series of transactions or common questions of law or fact that tie the defendants together.

Even 4 though Plaintiff brings some claims under the same constitutional amendments, “the mere fact that 5 all Plaintiff[’s] claims arise under the same general law does not necessarily establish a common 6 question of law or fact.” *Coughlin*, 130 F.3d at 1351.

The defendants listed in the FAC are not 7 alleged to be engaging in organized acts against Plaintiff. While some of the conduct is alleged 8 under the same law, the conduct of the defendants appears to be separate from one another. 9 If Plaintiff opts to file a second amended complaint, Plaintiff is cautioned that he may only 10 allege claims that (a) arise out of the same transaction,

occurrence, or series of transactions or 11 occurrences, and (b) present questions of law or fact common to all defendants named therein.

12 Importantly, Plaintiff must allege facts regarding the conduct of each defendant that he asserts 13 gives rise to that defendant's liability. 14 5. Statute of Limitations 15 Even if Plaintiff can state a claim, based on the dates in his FAC, the Court suspects much 16 of his FAC would be time-barred. Plaintiff's allegations date back to 1998.

Although the statute 17 of limitations is normally an affirmative defense, it may be grounds for sua sponte dismissal by 18 the Court where the defense is complete and obvious from the face of the pleadings. *United States* 19 *v. Page*, 116 F.4th 822, 825 (9th Cir. 2024). That is the situation here: the defense appears 20 complete and obvious from the face of the complaint for events that date back to 1998, twenty- 21 seven years before the original complaint was filed in May 2025.

22 6. Claims 23 For some defendants, Plaintiff alleges specific claims, but they do not comply with Federal 24 Rule of Civil Procedure 8. Under Rule 8, if any one of a claim's required elements is missing, the 25 claim fails. E.g., *New York State Teachers' Ret. Sys. v. Fremont Gen. Corp.*, 460 F. App'x 642, 26 643 (9th Cir. 2011). 27 Here, Plaintiff alleges that the Postal Service "violated Title VII of the Civil Rights Act of 1 U.S.C. § 2000e-2.

Because Plaintiff does not allege an applicable employment relationship with 2 the Postal Service, he fails to state a claim under Title VII, and the claim is subject to dismissal. 3 IV. CONCLUSION 4 For the reasons above, the Court finds Plaintiff's amended complaint fails to state a claim 5 pursuant to 28 U.S.C. § 1915(e).

However, given the pro se status of Plaintiff, and because it is 6 not clear that the deficiencies of the complaint could not be cured by amendment, the Court shall 7 grant Plaintiff the opportunity to file a second amended complaint.

Accordingly, the Court 8 ORDERS Plaintiff to file a second amended complaint by November 7, 2025. 9 A. Requirements for Amended Complaint 10 Because an amended complaint replaces the previous complaint, it may not incorporate 11 claims or allegations in the original complaint by reference. See *Ferdik v. Bonzelet*, 963 F.2d 12 1258, 1262 (9th Cir. 1992) (explaining that reference to earlier filed complaints "is precluded by 13 the well-established doctrine that an amended pleading supersedes the original pleading").

14 Instead, any amendment must include all of the facts and claims to be presented and all of the 15 defendants that are to be sued. In addition, any amended complaint must include the following 16 sections: 17 Caption Page On the first page, list the names of the defendant(s), the case number 18 used in this order (25-cv-04096-TSH), the title ("SECOND AMENDED COMPLAINT"), and write "Demand for Jury Trial" if 19 you want your case to be heard by a jury.

20 Form of Pleadings The factual allegations and claims must be written in numbered 21 paragraphs, each limited as far as practicable to a single set of circumstances. 22 Subject Matter Jurisdiction 23 The first numbered paragraph in your complaint (labeled “Jurisdiction”) should explain why this Court has the power to decide 24 this kind of case. A federal court can hear a case based on a federal question jurisdiction (a violation of federal law under 28 U.S.C. § 25 1331) or diversity jurisdiction (when all plaintiffs and all defendants are citizens of different states disputing more than \$75,000) under 28 26 U.S.C. § 1332.

27 Parties 1 Statement of Facts Explain the important facts in numbered paragraphs, describing how 2 the defendant(s) violated the law and how you have been injured. 3 Claims Include a separate heading for each legal claim (Claim 1, Claim 2, 4 etc.), identifying the specific law that you think the defendant(s) violated and explaining in numbered paragraphs what each defendant 5 did to violate each law.

6 || B. Assistance for Self-Represented Litigants 7 The Court encourages Plaintiff to seek assistance from the Legal Help Center, a free 8 service offered by the Justice & Diversity Center of the Bar Association of San Francisco. You 9 may request an appointment by emailing fedpro@sfbare.org or calling 415-782-8982. At the Legal 10 || Help Center, you will be able to speak with an attorney who may be able to provide basic legal 11 help but not representation.

More information is available at [https://www.cand.uscourts.gov/pro-](https://www.cand.uscourts.gov/pro-se-litigants/) 12 se-litigants/. 13 Plaintiff may also wish to obtain a copy of this District’s Handbook for Litigants Without a v 14 || Lawyer, which provides instructions on how to proceed at every stage of your case.

The O 15 || handbook is available in person at the Clerk’s Office and online at: 16 ||
[REDACTED] 17 IT IS SO ORDERED.

Z 18 19 Dated: October 3, 2025 THOMAS S. HIXSON 21 United States Magistrate Judge 22 23
24 25 26 27 28