

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Byron Arnold and Kimbly Arnold v. United States Department of
Housing and Urban Development, et al.

Arnold v. HUD · No. 2:25-cv-1569-JDP (PS) · Decided June 18, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed plaintiffs’ pro se complaint against the Department of Housing and Urban Development and related defendants for failure to comply with Federal Rule of Civil Procedure 8. The dismissal was without prejudice, and plaintiffs were granted thirty days to file an amended complaint or voluntarily dismiss the action.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 18, 2025
DOCKET	2:25-cv-1569-JDP (PS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court screened plaintiffs' complaint under the in forma pauperis screening statute and dismissed it for failure to comply with Federal Rule of Civil Procedure 8, granting leave to amend.
STANDARD OF REVIEW	During screening under 28 U.S.C. § 1915(e), the court determines whether the complaint is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant; the pleading must also satisfy Rule 8 and state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order
PARTIES	Byron Arnold, Kimbly Arnold v. United States Department of Housing and Urban Development, et al.

TOPICS

- pleadings
- motions to dismiss
- civil procedure

PRACTICE AREAS

civil procedure

pleadings

federal question litigation

False Claims Act

QUESTIONS PRESENTED

1. Whether the complaint complied with Federal Rule of Civil Procedure 8's requirement that it contain a short and plain statement showing entitlement to relief.
2. Whether the complaint stated a cognizable claim sufficient to survive screening under 28 U.S.C. § 1915(e).
3. Whether dismissal should be with leave to amend.

HOLDINGS

1. A complaint that is unintelligible and does not give the court or defendants fair notice of the claims being asserted fails to comply with Rule 8 and may be dismissed.
2. A complaint subject to in forma pauperis screening may be dismissed when it fails to state a claim upon which relief may be granted.
3. Dismissal of the unintelligible complaint was without prejudice and with leave to amend, subject to filing an amended complaint or a notice of voluntary dismissal within thirty days.

KEY QUOTATIONS

"The complaint is non-compliant with Rule 8 because it is unintelligible." (1)

"Rule 8 requires that a complaint be intelligible so that it may put the court and defendants on notice of the claims being asserted." (2)

FACTUAL BACKGROUND

Byron and Kimbly Arnold sued HUD and entities they appeared to identify as its subsidiaries. The complaint referenced 42 U.S.C. § 1981, 28 U.S.C. § 1331, 28 U.S.C. § 2401, and the False Claims Act, but did not clearly identify the factual or legal basis of the claims. Plaintiffs appeared to allege that defendants failed to credit payments and failed to investigate unspecified reported errors, but the allegations were too unclear to determine the claims being asserted.

PROCEDURAL HISTORY

Plaintiffs filed a pro se complaint against the Department of Housing and Urban Development and alleged subsidiaries. During mandatory screening, the court found the complaint unintelligible and dismissed it with leave to amend. Plaintiffs were given thirty days to file an amended complaint or a notice of voluntary dismissal without prejudice.

DISPOSITION

dismissed

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Kobold v. Good Samaritan Reg'l Med. Ctr., 832 F.3d 1024, 1038 (9th Cir. 2016)
- Nagrampa v. MailCoups, Inc., 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Hayes v. Idaho Corr. Ctr., 849 F.3d 1204, 1208 (9th Cir. 2017)
- Bruns v. Nat'l Credit Union Admin., 122 F.3d 1251, 1257 (9th Cir. 1997)
- Ivey v. Bd. of Regents, 673 F.2d 266, 268 (9th Cir. 1982)
- Cafasso, U.S. ex rel. v. Gen. Dynamics C4 Sys., Inc., 637 F.3d 1047, 1058-59 (9th Cir. 2011)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 BYRON ARNOLD AND KIMBLY Case No. 2:25-cv-1569-JDP (PS)
ARNOLD, 12 Plaintiffs, 13 ORDER v. 14 UNITED STATES DEPARTMENT OF 15 HOUSING
AND URBAN DEVELOPMENT, et al., 16 Defendants. 17 18 Byron and Kimbly Arnold
("plaintiffs") bring this action against the Department of 19 Housing and Urban Development
("HUD") and what appear to be some of its subsidiaries.

The 20 complaint is non-compliant with Rule 8 because it is unintelligible. I will dismiss it with
leave to 21 amend so that plaintiffs may remedy this deficiency if they can. 22 Screening and
Pleading Requirements 23 A federal court must screen the complaint of any claimant seeking
permission to proceed 24 in forma pauperis. See 28 U.S.C. § 1915(e).

The court must identify any cognizable claims and 25 dismiss any portion of the complaint that is
frivolous or malicious, fails to state a claim upon 26 which relief may be granted, or seeks
monetary relief from a defendant who is immune from such 27 relief. Id. 28 A complaint must
contain a short and plain statement that plaintiff is entitled to relief, 1 Fed.

R. Civ. P. 8(a)(2), and provide "enough facts to state a claim to relief that is plausible on its 2
face," Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007). The plausibility standard does not 3
require detailed allegations, but legal conclusions do not suffice. See Ashcroft v. Iqbal, 556 U.S. 4
662, 678 (2009). If the allegations "do not permit the court to infer more than the mere 5
possibility of misconduct," the complaint states no claim.

Id. at 679. The complaint need not 6 identify "a precise legal theory." Kobold v. Good Samaritan
Reg'l Med. Ctr., 832 F.3d 1024, 7 1038 (9th Cir. 2016). Instead, what plaintiff must state is a
"claim"—a set of "allegations that 8 give rise to an enforceable right to relief." Nagrampa v.
MailCoups, Inc., 469 F.3d 1257, 1264 9 n.2 (9th Cir. 2006) (en banc) (citations omitted).

10 The court must construe a pro se litigant's complaint liberally. See *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant's complaint "if it 12 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which 13 would entitle him to relief." *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir.

2017). 14 However, "a liberal interpretation of a civil rights complaint may not supply essential elements 15 of the claim that were not initially pled." *Bruns v. Nat'l Credit Union Admin.*, 122 F.3d 1251, 16 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)). 17 Analysis 18 Plaintiffs' complaint is unintelligible. They begin by claiming that their action proceeds 19 under sections 1981 and 1331, ECF No. 1 at 3, but identify the counts against defendants as 20 proceeding under sections 2401 and the False Claims Act, *id.* at 8.

I cannot make out the factual 21 basis of plaintiffs' claims. They appear to allege that defendants failed to credit them for 22 payments they made, but the specifics are not stated, and I cannot discern the basis for this claim. 23 *Id.* at 5. Plaintiffs also claim that defendants failed to investigate unspecified errors they reported, 24 though I cannot tell whether these errors are related to payment credits or something else.

Id. at 25 6. Rule 8 requires that a complaint be intelligible so that it may put the court and defendants on 26 notice of the claims being asserted. See *Cafasso, U.S. ex rel. v. Gen. Dynamics C4 Sys., Inc.*, 637 27 F.3d 1047, 1058-59 (9th Cir. 2011). 28 I will dismiss the complaint with leave to amend so that plaintiffs may remedy these 1 | deficiencies. Any amended complaint will supersede its predecessor entirely.

The amended 2 | complaint should be entitled "First Amended Complaint" and be signed and verified by both 3 | plaintiffs. 4 Accordingly, it is hereby ORDERED that: 5 1. Plaintiffs' complaint, ECF No. 1, is DISMISSED with leave to amend. 6 2. Within thirty days from service of this order, plaintiffs shall file either (1) an amended 7 | complaint or (2) notice of voluntary dismissal of this action without prejudice.

8 3. Failure to timely file either an amended complaint or notice of voluntary dismissal may 9 | result in the imposition of sanctions, including a recommendation that this action be dismissed 10 || with prejudice pursuant to Federal Rule of Civil Procedure 41(b). 11 4.

The Clerk of Court shall send plaintiff a complaint form with this order. 12 3 IT IS SO ORDERED. 14 (iy - Dated: _ June 18, 2025 q—— 15 JEREMY D. PETERSON 16 UNITED STATES MAGISTRATE JUDGE 17 18 19 20 21 22 23 24 25 26 27 28