

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

OPINION

(PS) Arnold v. U.S. Dept. of Housing and Urban Development Federal Tort-Claims Center
PER CURIAM.

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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

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