

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Smith v. Spicy Mayo Restaurant

No. 1:25-cv-00159-KES-HBK (E.D. Cal. Feb. 21, 2025) · No. 1:25-cv-00159-KES-HBK · Decided February 21, 2025

SUMMARY

The United States District Court for the Eastern District of California screened Candace Smith’s in forma pauperis complaint against Spicy Mayo Restaurant and others. The court found that the complaint failed to establish federal subject matter jurisdiction, comply with Federal Rule of Civil Procedure 8, or state a cognizable claim. The court gave Plaintiff until March 21, 2025, to file an amended complaint, stand on the existing complaint, or voluntarily dismiss the action.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 21, 2025
DOCKET	1:25-cv-00159-KES-HBK
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff proceeding in forma pauperis filed a form civil complaint. The magistrate judge screened the complaint under 28 U.S.C. § 1915(e)(2)(B) before service and ordered plaintiff to amend, stand on the complaint subject to a dismissal recommendation, or voluntarily dismiss.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), an in forma pauperis complaint may be dismissed at any time if it is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Failure to state a claim is evaluated under the same standard as Federal Rule of Civil Procedure 12(b)(6), requiring sufficient factual matter to state a plausible claim. Subject matter jurisdiction may be raised sua sponte at any time, and the plaintiff bears the burden of establishing jurisdiction.
PRECEDENTIAL VALUE	unpublished

TOPICS

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QUESTIONS PRESENTED

1. Whether the complaint established federal subject matter jurisdiction through diversity of citizenship or a federal question.
2. Whether the complaint complied with Federal Rule of Civil Procedure 8 and stated a plausible, cognizable claim for relief.
3. Whether plaintiff should be given an opportunity to amend before dismissal is recommended.

HOLDINGS

1. The complaint did not establish diversity jurisdiction because it left the amount in controversy blank and, as alleged, plaintiff and the defendants were citizens of California, defeating complete diversity.
2. The complaint failed to provide a short and plain statement of the claims, failed to allege a causal connection between each defendant and alleged wrongdoing, and failed to state a cognizable claim that was plausible on its face.
3. Because the court could not determine that the pleading defects could not be cured by additional facts, plaintiff was entitled to an opportunity to file an amended complaint before dismissal was recommended.

KEY QUOTATIONS

“Upon review, the Court finds the Complaint does not set forth a basis for federal subject matter jurisdiction and otherwise fails to state a cognizable claim for relief.” (at 1)

“Federal courts are courts of limited jurisdiction.” (at 3)

“Where at least some of the defendants are citizens of the same state, complete diversity is lacking, and Plaintiff cannot proceed in federal court based on diversity jurisdiction under 28 U.S.C. § 1332.” (at 4)

“Plaintiff’s Complaint fails to establish federal subject matter jurisdiction, fails to comply with Federal Rule of Civil Procedure 8, and fails to state a cognizable claim upon which relief may be granted.” (at 5)

FACTUAL BACKGROUND

Plaintiff alleged that she became ill after consuming uncooked raw shrimp and sought damages for medical bills, pain and suffering, and lost wages. She named Spicy Mayo Restaurant, Kong Manager, Farmers Insurance, and Joshua Fowler as defendants, but provided little identifying information and did not clearly connect any defendant to specific wrongdoing. Plaintiff identified herself as residing in California, identified the defendants as California citizens, left the amount in controversy blank, and asserted an insurance-related claim.

PROCEDURAL HISTORY

Plaintiff commenced the action on February 7, 2025, and was granted leave to proceed in forma pauperis. Before any defendant was served, the court screened the complaint and concluded that it failed to establish federal subject matter jurisdiction, failed to comply with Federal Rule of Civil Procedure 8, and failed to state a cognizable claim. The court gave plaintiff until March 21, 2025, to choose among filing an amended complaint, standing on the existing complaint, or voluntarily dismissing the action.

DISPOSITION

other

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1127-1129, 1131 n.13 (9th Cir. 2000) (en banc)
- Johnson v. Knowles, 113 F.3d 1114, 1117 (9th Cir.), cert. denied, 552 U.S. 996 (1997)
- Barren v. Harrington, 152 F.3d 1193, 1194 (9th Cir. 1998)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Hosp. Bldg. Co. v. Rex Hosp. Tr., 425 U.S. 738, 740 (1976)
- Western Mining Council v. Watt, 643 F.2d 618, 624 (9th Cir. 1981)
- Jenkins v. McKeithen, 395 U.S. 411, 421 (1969)
- Bernhardt v. L.A. County, 339 F.3d 920, 925 (9th Cir. 2003)
- Pliler v. Ford, 542 U.S. 225, 231 (2004)
- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Emrich v. Touche Ross & Co., 846 F.2d 1190, 1194 n.2 (9th Cir. 1988)
- Caterpillar Inc. v. Williams, 482 U.S. 386 (1987)
- Kantor v. Wellesley Galleries, Ltd., 704 F.2d 1088, 1090 (9th Cir. 1983)
- Kanter v. Warner-Lambert Co., 265 F.3d 853, 857 (9th Cir. 2001)
- Indus. Tectonics, Inc. v. Aero Alloy, 912 F.2d 1090, 1092 (9th Cir. 1990)
- Garcia-Cardenas v. Immigration Legal Servs., APC, No. 1:13-CV-01065-AWI, 2013 WL 4542223, at *2 (E.D. Cal. Aug. 27, 2013)
- Strawbridge v. Curtiss, 7 U.S. 267 (1806)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 556-557, 570 (2007)
- Lacey v. Maricopa County, 693 F.3d 896, 907 n.1 (9th Cir. 2012) (en banc)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)