

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Daniels v. Verizon Wireless

Daniels · No. 25-cv-06720-SI · Decided September 23, 2025

OPINION

Daniels v. Verizon Wireless

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 BRANDON DANIELS, Case No. 25-cv-06720-SI 8 Plaintiff,

ORDER GRANTING APPLICATION

9 v. TO PROCEED IFP, DENYING

MOTION FOR TRO, AND SCREENING

10 VERIZON WIRELESS, COMPLAINT PURSUANT TO 28 U.S.C. § 1915

11 Defendant. Re: Dkt. Nos. 5, 8 12 13 14 On August 8, 2025, plaintiff “Daniels, Brandon-Q,
agent for BRANDON DANIELS” filed 15 the initial complaint in this action, a motion for a
temporary restraining order (“TRO”), and an 16 application to proceed in forma pauperis (“IFP”),
or without prepaying the Court filing fee. Plaintiff 17 sues defendants Verizon Wireless (Cellco
Partnership d/b/a Verizon Wireless) and Verizon 18 Executive Relations. The complaint alleges
that in April and July 2025 plaintiff “transmitted a 19 lawful tender of payment and remittance
coupon to Defendant VERIZON WIRELESS in 20 satisfaction of the alleged past-due account
balance” but that defendant failed to process or accept 21 the payment and disconnected plaintiff’s
service on or about July 27, 2025. Dkt. No. 1 at 10.1 22 The Court GRANTS the application to
proceed IFP but will not order service of process at 23 this time. The statute which authorizes
courts to allow lawsuits to proceed without prepayment of 24 the filing fees also requires the
Court to “dismiss the case at any time if the court determines that . . 25 . the action or appeal (i) is
frivolous or malicious; (ii) fails to state a claim on which relief may be 26 granted; or (iii) seeks
monetary relief against a defendant who is immune from such relief.” 28 27 1 U.S.C. § 1915(e)(2)
(B). 2 The Court concludes that the complaint fails to state a claim for several reasons. First, it is 3
unclear who exactly is the plaintiff. “[T]he living man Daniels, Brandon-Q, by Special and 4
Restricted Appearance” brings suit “in the private capacity as Authorized Agent for the legal 5
fiction/entity/trust commonly referred to as BRANDON DANIELS (hereinafter ‘the Principal’) 6 .
. . .” Dkt. No. 1 at 2. It is unclear whether Daniels, Brandon-Q (the agent) and BRANDON 7
DANIELS (the principal) are the same person. If they are not, then Daniels, Brandon-Q may only

8 appear on behalf of BRANDON DANIELS if the former is an attorney actively licensed and in good 9 standing with the California State Bar and admitted to practice in the Northern District of California. 10 See *Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664 (9th Cir. 2008) (“It is well established that the 11 privilege to represent oneself pro se provided by [28 U.S.C.] § 1654 is personal to the litigant and 12 does not extend to other parties or entities.”) (citation omitted); see also Civ. L.R. 11-1; 13 <https://cand.uscourts.gov/attorneys/admission-to-practice/>. This is so even if the latter has executed 14 a power of attorney. See *DePonceau v. Pataki*, 315 F. Supp. 2d 338, 341-42 (W.D.N.Y. 2004) 15 (citations omitted). 16 Second, the papers repeatedly indicate that plaintiff does not consent to this Court’s 17 jurisdiction, even though plaintiff is the one who chose to file suit here in federal court. See Dkt.

18 No. 1 at 2-6. The papers state that plaintiff reserves, among other things, “[t]he right to challenge

19 jurisdiction at any time.” *Id.* at 6. When a plaintiff files suit in federal court, he necessarily consents 20 to that Court’s jurisdiction. “Filing the complaint constitutes consent to jurisdiction ‘for all purposes 21 for which justice to the defendant requires his presence.’” *Rutter Group Prac. Guide Fed. Civ. Pro.* 22 Before Trial Ch. 3-D § 3:65 (quoting *Adam v. Saenger*, 303 U.S. 59, 67-68 (1938)). 23 Additionally, at least some of the claims that plaintiff brings are legally defective. 24 Plaintiff’s second claim is brought under 15 U.S.C. § 1692(e) & (f). Subsection (f) does not exist, 25 and subsection (e) is a statement of the purpose of the statute. The statute, the Fair Debt Collection 26 27 2 The Court gives the following illustrations to show some of the ways in which the 1 Practices Act, “makes it unlawful for debt collectors to use abusive tactics while collecting debts 2 for others.” *Herrejon v. Ocwen Loan Servicing, LLC*, 980 F.2d 1186, 1201 (E.D. Cal. 2013) (citation 3 omitted). The complaint here fails to allege that defendants are “debt collectors” collecting debts 4 for others within the meaning of the statute. See *id.* at 1201-02. 5 Plaintiff’s sixth claim is brought under 42 U.S.C. § 1983. To state a claim under § 1983, a 6 plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of 7 the United States was violated and (2) that the alleged violation was committed by a person acting 8 under the color of state law. *West v. Atkins*, 487 U.S. 42, 48 (1988); *Ketchum v. Alameda Cnty.*, 9 811 F.2d 1243, 1245 (9th Cir. 1987). It does not appear that the defendants here are state actors for 10 purposes of § 1983. A private entity generally does not act under color of state law. See, e.g., 11 *Heineke v. Santa Clara Univ.*, 965 F.3d 1009, 1013 (9th Cir. 2020) (private university was not a 12 state actor even though it received federal and state funds, the receipt of the funds was conditioned 13 on compliance with federal and state anti-discrimination laws and it could lose government funds 14 for failure to comply with the law). 15 Plaintiff’s seventh claim is brought under 15 U.S.C. § 78j(b), which governs the purchase or 16 sale of securities, as defined by 15 U.S.C. § 78c(a)(10). Nothing in the allegations of the complaint 17 pertains to the purchase or sale of securities. 18 Because the complaint fails to state a claim for the reasons stated above, the Court 19 DISMISSES the complaint. 20 For the same reasons that the Court finds the complaint fails to

state a claim, the Court 21 DENIES plaintiff's motion for a temporary restraining order. In order to obtain a temporary 22 restraining order or a preliminary injunction, plaintiff "must establish that he is likely to succeed on 23 the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the 24 balance of equities tips in his favor, and that an injunction is in the public interest." Winter v. Nat. 25 Res. Def. Council, 555 U.S. 7, 20 (2008) (citations omitted); see also Jones v. H.S.B.C. (USA), 844 26 F. Supp. 2d 1099, 1099 (S.D. Cal. 2012) (standard for granting a temporary restraining order is 27 similar to standard for granting a preliminary injunction). Based upon the record before this Court, 1 The Court will allow plaintiff an opportunity to amend the complaint to try to correct the 2 || problems described above. Any amended complaint must be filed by October 14, 2025. If 3 || plaintiff amends the complaint, then it means that plaintiff consents to this Court's jurisdiction, 4 || including the Court's ability to rule on the merits of the case and issue a final judgment. If plaintiff 5 || files an amended complaint, the Court will determine whether plaintiff has stated a claim, and if so, 6 || the Court will direct the U.S. Marshal to serve the amended complaint on defendants. If plaintiff 7 does not file an amended complaint that fixes the problems described above, the Court will close 8 || this case. 9 The Court also advises plaintiff that free legal assistance, but not representation, is available 10 || at the Northern District's Legal Help Center (415-782-8982), and at <https://cand.uscourts.gov/pro-se-litigants/>.

13 CONCLUSION

14 The Court GRANTS plaintiffs application to proceed in forma pauperis (Dkt. No. 8). The 15 Court DENIES plaintiff's motion for a temporary restraining order (Dkt. No. 5). The Court a 16 || DISMISSES the complaint, with leave to amend. Plaintiff's amended complaint is due by October 17 14, 2005. 18 19 IT IS SO ORDERED. 20 Dated: September 23, 2025 Site WU tee 21

SUSAN ILLSTON

22 United States District Judge 23 24 25 26 27 28