

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Randy Dewayne Pittman v. Sitemetric, LLC

Pittman · No. 25-cv-07707-PCP · Decided January 23, 2026

SUMMARY

The United States District Court for the Northern District of California dismissed Randy Dewayne Pittman’s action against Sitemetric, LLC, with prejudice. The court concluded that Pittman failed to state a claim under the First Amendment, 42 U.S.C. §§ 1981 and 1985(3), Title VII, the National Labor Relations Act, or related state law, and failed to file an amended complaint by the court-ordered deadline.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	P. Casey Pitts
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 23, 2026
DOCKET	25-cv-07707-PCP
DISPOSITION	dismissed
PROCEDURAL POSTURE	After screening the pro se complaint under 28 U.S.C. § 1915(e)(2), the court dismissed it with leave to amend. When plaintiff failed to file an amended complaint by the court-ordered deadline, the court dismissed the case with prejudice.
STANDARD OF REVIEW	Statutory screening for failure to state a claim under 28 U.S.C. § 1915(e)(2).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Randy Dewayne Pittman v. Sitemetric, LLC

TOPICS

- civil procedure
- pleadings
- retaliation
- wrongful termination
- first amendment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should dismiss the action with prejudice under 28 U.S.C. § 1915(e)(2) after plaintiff failed to amend a complaint that had previously been found to fail to state a claim.

HOLDINGS

1. The court dismissed the case with prejudice under 28 U.S.C. § 1915(e)(2) because plaintiff failed to file an amended complaint after being granted leave to amend and instructed that failure to amend would result in dismissal with prejudice.

KEY QUOTATIONS

“As the Court explained in that order, Mr. Pittman’s complaint fails to state a claim for relief under any of the federal constitutional and statutory provisions he invokes, and his state common-law claim rises and falls with his federal claims.” (at 1)

“For the reasons set forth in the Court’s previous order, the Court therefore dismisses the case with prejudice for failure to state a claim pursuant to 28 U.S.C § 1915(e)(2).” (at 2)

FACTUAL BACKGROUND

Randy Dewayne Pittman alleged that his former employer, Sitemetric, LLC, terminated him in retaliation for on-the-job speech. He asserted claims under the First Amendment, 42 U.S.C. §§ 1981 and 1985(3), Title VII, the National Labor Relations Act, and California common law. After the court found that the complaint failed to state a claim, Pittman did not file an amended complaint by the court-ordered deadline.

PROCEDURAL HISTORY

Pittman filed an action against his former employer alleging retaliation for on-the-job speech and asserting federal constitutional and statutory claims, as well as a state wrongful-termination claim. The court granted his application to proceed in forma pauperis, screened the complaint, dismissed it with leave to amend, and set a deadline for amendment. Plaintiff did not amend, so the court dismissed the case with prejudice for failure to state a claim.

DISPOSITION

dismissed

CASES CITED

- Cato v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
RANDY DEWAYNE PITTMAN, Case No. 25-cv-07707-PCP 8 Plaintiff, ORDER DISMISSING
CASE v. 9 10 SITEMETRIC, LLC., Defendant. 11 12 Pro se plaintiff Randy Dewayne Pittman
filed this action against his former employer 13 Sitemetric, LLC, alleging that Sitemetric
terminated him in retaliation for on-the-job speech.

Mr. 14 Pittman claims that his termination violated the First Amendment; 42 U.S.C. §§ 1981 and
1985(3); 15 Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-3(a); and the National
Labor 16 Relations Act, 29 U.S.C. § 157. He also asserts a state common-law claim for wrongful
17 termination in violation of public policy. Concurrent with his complaint, Mr. Pittman filed an
18 application to proceed in forma pauperis, i.e., without paying the otherwise mandatory filing
fee to 19 initiate a lawsuit.

The Court previously granted that application and, pursuant to 28 U.S.C 20 § 1915(e)(2), screened
Mr. Pittman's complaint. See Dkt. No. 7. As the Court explained in that 21 order, Mr. Pittman's
complaint fails to state a claim for relief under any of the federal 22 constitutional and statutory
provisions he invokes, and his state common-law claim rises and falls 23 with his federal claims.

The Court therefore dismissed the case with leave to amend. The Court 24 instructed Mr. Pittman
that, if he failed to file an amended complaint by December 22, 2026, the 25 Court would dismiss
his case with prejudice. 26 Though the Court granted Mr. Pittman leave to amend, Mr. Pittman has
not filed an 27 amended complaint.

For the reasons set forth in the Court's previous order, the Court therefore 1 dismisses the case
with prejudice for failure to state a claim pursuant to 28 U.S.C § 1915(e)(2). 2 See *Cato v. United*
States, 70 F.3d 1103, 1106 (9th Cir. 1995). 3 IT IS SO ORDERED. 4 || Dated: January 23, 2026 P.
Casey Pitts 7 United States District Judge 8 9 10 11 12 13 15 16 = 17 Z 18 19 20 21 22 23 24 25
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