

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

King v. State of California

King · No. 2:25-cv-1563-DAD-CSK · Decided August 26, 2025

SUMMARY

These findings and recommendations address a pro se plaintiff’s application to proceed in forma pauperis and complaint against the State of California or Governor Gavin Newsom. The magistrate judge recommends denying in forma pauperis status and dismissing the complaint without leave to amend because it lacks a discernible basis for federal subject-matter jurisdiction, fails to comply with Federal Rule of Civil Procedure 8, and does not state a cognizable claim. The recommendations also advise closing the case, subject to the parties’ right to object.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 26, 2025
DOCKET	2:25-cv-1563-DAD-CSK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a complaint and an application to proceed in forma pauperis. A magistrate judge issued findings and recommendations recommending denial of IFP status and dismissal of the complaint without leave to amend.
STANDARD OF REVIEW	For IFP screening, the court examines whether the proposed action is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The court accepts factual allegations as true unless clearly baseless or fanciful, construes them in the plaintiff's favor, and liberally construes pro se pleadings, but need not accept conclusory allegations, unreasonable inferences, or unwarranted factual deductions.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Tamara Ann King v. State of California

TOPICS

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PRACTICE AREAS

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pleading and screening of pro se complaints

in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether the plaintiff's application to proceed in forma pauperis should be denied because the proposed action appeared frivolous or without merit.
2. Whether the complaint established federal subject-matter jurisdiction.
3. Whether the complaint complied with Federal Rule of Civil Procedure 8 and stated a plausible claim for relief.
4. Whether amendment should be permitted.

HOLDINGS

1. The complaint did not establish federal subject-matter jurisdiction because it alleged neither a federal question nor diversity jurisdiction, requiring dismissal for lack of jurisdiction.
2. The complaint failed to provide a short and plain statement giving fair notice of the claims, defendants, theories, and supporting facts, and therefore failed to state a claim on which relief could be granted.
3. Leave to amend should be denied because amendment would be futile in light of the absence of subject-matter jurisdiction and the complaint's failure to present a cogent, nonfrivolous claim.
4. The IFP application should be denied because the action appeared facially frivolous or without merit, even though the plaintiff made the required financial showing.

KEY QUOTATIONS

"Without jurisdiction, the district court cannot decide the merits of a case or order any relief and must dismiss the case." (at 4)

"The Complaint does not present a cogent, non-frivolous claim." (at 5)

FACTUAL BACKGROUND

King's complaint used a state-court form and named the State of California or Governor Gavin Newsom as defendant. The allegations referred generally to misuse of homeless domestic-violence laws and funds, removal from a program allegedly related to freedom of speech, housing drug dealers, and martial law, but were partially illegible and did not identify coherent claims or specific actionable conduct. The complaint checked boxes for intentional or negligent misrepresentation and concealment and attached largely blank state-court answer forms.

PROCEDURAL HISTORY

King filed a pro se complaint naming the State of California or Governor Gavin Newsom as defendant and sought leave to proceed in forma pauperis. The magistrate judge found that the complaint lacked a discernible basis for federal subject-matter jurisdiction, failed to comply with Federal Rule of Civil Procedure 8, and failed to state a cognizable claim. The court recommended denying IFP status, dismissing the complaint without leave to amend, and closing the case, subject to objections and review by the assigned district judge.

DISPOSITION

other

CASES CITED

- Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015)
- Minetti v. Port of Seattle, 152 F.3d 1113, 1115 (9th Cir. 1998)
- Tripati v. First National Bank & Trust, 821 F.2d 1368, 1370 (9th Cir. 1987)
- McGee v. Department of Child Support Services, 584 F. App'x 638 (9th Cir. 2014)
- Smart v. Heinze, 347 F.2d 114, 116 (9th Cir. 1965)
- Lopez v. Smith, 203 F.3d 1122, 1126-27, 1130-31 (9th Cir. 2000) (en banc)
- Neitzke v. Williams, 490 U.S. 319, 325-27 (1989)
- Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011)
- Hebbe v. Pliler, 627 F.3d 338, 342 & n.7 (9th Cir. 2010)
- Western Mining Council v. Watt, 643 F.2d 618, 624 (9th Cir. 1981)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Kokkonen v. Guardian Life Insurance Co., 511 U.S. 375, 377 (1994)
- Casey v. Lewis, 4 F.3d 1516, 1519 (9th Cir. 1993)
- Bender v. Williamsport Area School District, 475 U.S. 534, 546 (1986)
- Morongo Band of Mission Indians v. California State Board of Equalization, 858 F.2d 1376, 1380 (9th Cir. 1988)
- Gonzalez v. Thaler, 565 U.S. 134, 141 (2012)
- Kimes v. Stone, 84 F.3d 1121, 1129 (9th Cir. 1996)
- Jones v. Community Redevelopment Agency, 733 F.2d 646, 649 (9th Cir. 1984)
- McHenry v. Renne, 84 F.3d 1172, 1178-80 (9th Cir. 1996)
- Cahill v. Liberty Mutual Insurance Co., 80 F.3d 336, 339 (9th Cir. 1996)
- King v. State of California, No. 2:25-cv-1510-DJC-JDP (E.D. Cal. June 5, 2025)
- Cato v. United States, 70 F.3d 1103, 1105-06 (9th Cir. 1995)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153, 1156-57 (9th Cir. 1991)

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