

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

De Ciel v. Porter

Case No. 3:25-cv-03351-JSC (N.D. Cal. Aug. 28, 2025) · No. 3:25-cv-03351-JSC · Decided August 28, 2025

SUMMARY

The United States District Court for the Northern District of California grants the defendant's motion to dismiss for improper venue, improper service of process, and failure to state a claim, while denying the motion as to subject matter jurisdiction and personal jurisdiction. The court holds that 28 U.S.C. § 4101 does not create a private right of action and that the alleged events support venue in the Eastern District of California rather than the Northern District. The defendant's Anti-SLAPP motion is denied without prejudice, and the plaintiff is given leave to amend by September 19, 2025.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jacqueline Scott Corley
JURISDICTION	United States District Court for the Northern District of California
DECIDED	August 28, 2025
DOCKET	3:25-cv-03351-JSC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss under Federal Rule of Civil Procedure 12(b) for lack of subject matter jurisdiction, lack of personal jurisdiction, improper venue, improper service of process, and failure to state a claim. Defendant also moved to strike under California's Anti-SLAPP statute.
STANDARD OF REVIEW	For a motion to dismiss for lack of subject matter jurisdiction, the plaintiff bears the burden of establishing jurisdiction. For a motion based on written materials challenging personal jurisdiction, the plaintiff need only make a prima facie showing of jurisdictional facts. The plaintiff bears the burden of establishing proper venue and valid service. On a Rule 12(b)(6) motion, the complaint must contain sufficient factual matter, accepted as true, to state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district court order

PARTIES

Reine A. De Ciel v. Michael Lamar Porter

TOPICS

motions to dismiss

venue

service of process

defamation

civil procedure

PRACTICE AREAS

civil procedure

defamation

personal jurisdiction

venue

service of process

QUESTIONS PRESENTED

1. Whether Plaintiff established federal-question or diversity subject matter jurisdiction.
2. Whether the court could exercise general or specific personal jurisdiction over Defendant.
3. Whether venue was proper in the Northern District of California.
4. Whether service on the Wolf Law Firm and by email constituted valid service under Federal Rule of Civil Procedure 4(e).
5. Whether Plaintiff stated an actionable defamation claim under 28 U.S.C. § 4101 or California law.
6. Whether Defendant's Anti-SLAPP motion should be entertained or granted.

HOLDINGS

1. The court had subject matter jurisdiction because Plaintiff plausibly alleged diversity jurisdiction, even though her claim under 28 U.S.C. § 4101 did not present a colorable federal question.
2. The motion to dismiss for lack of personal jurisdiction was denied because Plaintiff made a prima facie showing of specific personal jurisdiction based on allegations that Defendant committed the alleged intentional tort while present in California.
3. Venue was improper in the Northern District of California, so dismissal under Rule 12(b)(3) was warranted.
4. Service was invalid because Plaintiff served the summons and complaint at the Wolf Law Firm without establishing that the firm was authorized to accept service for Defendant, and email service did not satisfy Rule 4(e)(2).
5. Plaintiff failed to state an actionable defamation claim because 28 U.S.C. § 4101 does not create a private right of action and the complaint did not adequately plead a claim under California defamation law.
6. The Anti-SLAPP motion was denied without prejudice because the action was dismissed on other grounds and Plaintiff pleaded only a federal claim, while the Anti-SLAPP statute applies in federal court only in connection with state-law claims.

KEY QUOTATIONS

“Federal courts are courts of limited jurisdiction. They possess only that power authorized by Constitution

and statute.” (at 1)

“If the Court determines venue is improper, it must “dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.”” (at 4)

“The elements of a defamation claim are (1) a publication that is (2) false, (3) defamatory, (4) unprivileged, and (5) has a natural tendency to injure or causes special damage.” (at 6)

FACTUAL BACKGROUND

Plaintiff alleged that she had an online relationship with Defendant for three years and that Defendant misrepresented their relationship to staff at the Kimbilio Hotel in Sacramento, California, causing her to be mistreated. She further alleged that Defendant falsely accused her of extortion and later sent her a cease-and-desist letter. Plaintiff sought \$100,000 in damages and attempted to plead a defamation and slander claim under 28 U.S.C. § 4101.

PROCEDURAL HISTORY

Plaintiff filed a federal action alleging defamation and slander under 28 U.S.C. § 4101. Defendant moved to dismiss and to strike. The court denied dismissal for lack of subject matter jurisdiction and lack of personal jurisdiction, granted dismissal for improper venue, improper service, and failure to state a claim, and denied the Anti-SLAPP motion without prejudice. The court permitted Plaintiff to file an amended complaint by September 19, 2025.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

No remand was ordered. Plaintiff was permitted to file an amended complaint by September 19, 2025. Any amended complaint must separately plead each claim and allege supporting facts; if filed, it would be screened under 28 U.S.C. § 1915 before service could be ordered.

CASES CITED

- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375, 377 (1994)
- Home Depot U.S.A., Inc. v. Jackson, 139 S. Ct. 1743, 1746 (2019)
- Ashoff v. City of Ukiah, 130 F.3d 409, 410 (9th Cir. 1997)
- Arbaugh v. Y&H Corp., 546 U.S. 500, 513 & n.10 (2006)
- Bell v. Hood, 327 U.S. 678, 682-83 (1946)
- Hall-Johnson v. City & County of San Francisco, 2018 WL 9903325, at *9 (N.D. Cal. Sept. 6, 2018)
- Aldabe v. Aldabe, 616 F.2d 1089, 1092 (9th Cir. 1980)
- Daimler AG v. Bauman, 571 U.S. 117, 125 (2014)
- Picot v. Weston, 780 F.3d 1206, 1211 (9th Cir. 2015)

- International Shoe Co. v. State of Washington, International Shoe Co. v. Washington, 326 U.S. 310, 316 (1945)
- Milliken v. Meyer, 311 U.S. 457, 463 (1940)
- In re Boon Global Ltd., 923 F.3d 643, 650 (9th Cir. 2019)
- Ranza v. Nike, Inc., 793 F.3d 1059, 1068 (9th Cir. 2015)
- CollegeSource, Inc. v. AcademyOne, Inc., 653 F.3d 1066, 1073 (9th Cir. 2011)
- Doe v. American National Red Cross, 112 F.3d 1048, 1050 (9th Cir. 1997)
- Goodyear Dunlop Tires Operations, S.A. v. Brown, 564 U.S. 915, 919 (2011)
- Walden v. Fiore, Walden v. Fiore, 571 U.S. 277, 285 (2014)
- Bristol-Myers Squibb Co. v. Superior Court, 582 U.S. 255, 264 (2017)
- Yahoo! Inc. v. La Ligue Contre Le Racisme Et L'Antisemitisme, 433 F.3d 1199, 1206 (9th Cir. 2006) (en banc)
- Axiom Foods, Inc. v. Acerchem International, Inc., 874 F.3d 1064, 1068-69 (9th Cir. 2017)
- Dole Food Co. v. Watts, 303 F.3d 1104, 1111 (9th Cir. 2002)
- Paccar International, Inc. v. Commercial Bank of Kuwait, S.A.K., 757 F.2d 1058, 1064 (9th Cir. 1985)
- Briskin v. Shopify, Inc., 135 F.4th 739, 751 (9th Cir. 2025)
- Piedmont Label Co. v. Sun Garden Packing Co., 598 F.2d 491, 496 (9th Cir. 1979)
- Brockmeyer v. May, 383 F.3d 798, 801 (9th Cir. 2004)
- Jackson v. Mayweather, 10 Cal. App. 5th 1240, 1259 (2017)
- Kahn v. Bower, 232 Cal. App. 3d 1599, 1612 n.5 (1991)
- Hilton v. Hallmark Cards, 599 F.3d 894, 901 (9th Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)

OPINION

De Ciel v. Porter

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 REINE A. DE CIEL, Case No. 3:25-cv-03351-JSC 8 Plaintiff,

ORDER RE: MOTION TO DISMISS

9 v. AND MOTION TO STRIKE

10 MICHAEL LAMAR PORTER, Re: Dkt. Nos. 10, 22 Defendant. 11 12 13 Plaintiff Reine A. De Ciel, who is representing herself, brings a defamation claim against 14 Michael Lamar Porter. Mr. Porter has filed a motion to dismiss for lack of personal jurisdiction, 15 improper venue, improper service of process, and failure to state a claim as well as a motion to 16 strike under California's Anti-SLAPP statute, Cal. Code of Civil Procedure 425.16. (Dkt. Nos. 10, 17 22.1) After carefully considering the arguments and briefing submitted, the Court concludes that 18 oral argument is

unnecessary and GRANTS Defendant's motion to dismiss for improper venue 19 and improper service of process.

20 DISCUSSION

21 According to the Complaint, Plaintiff had an online relationship with Defendant for three 22 years, but when he met her at "Kimbilio Hotel" on December 15, 2024 he deliberately 23 misrepresented their online relationship causing her to be mistreated by hotel staff. (Dkt. No. 1 at 24 3.) When Defendant was "confronted about his behavior he falsely accused [Plaintiff] of 25 extortion." (Id. at 4.) Defendant later sent Plaintiff a cease-and-desist letter. (Id. at 5.) Plaintiff 26 brings a single claim for "defamation and slander" under 28 U.S.C. § 4101 and seeks \$100,000 in 27 1 damages. (Id. at 2.) 2 A. Subject Matter Jurisdiction 3 "Federal courts are courts of limited jurisdiction. They possess only that power authorized 4 by Constitution and statute." *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 5 (1994). "In 28 U.S.C. §§ 1331 and 1332(a), Congress granted federal courts jurisdiction over two 6 general types of cases: cases that 'aris[e] under' federal law, § 1331," which is known as "federal- 7 question jurisdiction," and "cases in which the amount in controversy exceeds \$ 75,000 and there 8 is diversity of citizenship among the parties, § 1332(a)," which is known as diversity jurisdiction. 9 *Home Depot U. S. A., Inc. v. Jackson*, 139 S. Ct. 1743, 1746 (2019). Since Plaintiff filed this 10 lawsuit in federal court, she "bears the burden of establishing subject matter jurisdiction." *Ashoff 11 v. City of Ukiah*, 130 F.3d 409, 410 (9th Cir. 1997). 12 Plaintiff checked the boxes for both federal question jurisdiction and diversity jurisdiction 13 on her Complaint. (Dkt. No. 1 at 2.) As to federal question jurisdiction, "[a] plaintiff properly 14 invokes" federal question jurisdiction "when she pleads a colorable claim 'arising under' the 15 Constitution or laws of the United States." *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 513 (2006). "A 16 claim invoking federal-question jurisdiction under 28 U.S.C. § 1331 ... may be dismissed for want 17 of subject-matter jurisdiction if it is not colorable, i.e., if it is 'immaterial and made solely for the 18 purpose of obtaining jurisdiction' or is 'wholly insubstantial and frivolous.'" Id. at 513 n.10 19 (quoting *Bell v. Hood*, 327 U.S. 678, 682–683 (1946)). Plaintiff lists 28 U.S.C. § 4101 as the basis 20 for federal question jurisdiction, but this provision defines "defamation" for purposes of 21 recognizing foreign defamation judgments and does not provide a private right of action. *Hall- 22 Johnson v. City & Cnty. Of San Francisco*, 2018 WL 9903325, at *9 (N.D. Cal. Sept. 6, 2018) 23 ("28 U.S.C. § 4101 is simply a definitional section (for statutes relating to foreign judgments) and 24 does not provide a private right of action"); see also *Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th 25 Cir. 1980) (finding no federal question jurisdiction where plaintiff brought claims under criminal 26 statutes which "provide no basis for civil liability."). Thus, Plaintiff's claim under 28 U.S.C. § 27 4101 fails as a matter of law and it is not a "colorable claim" that can provide the basis for federal 1 question jurisdiction.2 2 Plaintiff has, however, plausibly alleged facts supporting diversity jurisdiction. Plaintiff 3 seeks \$100,000 in damages (Dkt. No. 1 at 2), so the amount in

controversy is satisfied. Plaintiff 4 lists her address as being in San Francisco, California, which supports an inference she is a citizen 5 of California. She does not specifically allege Defendant's citizenship, but she lists his address as 6 "c/o Wolf Law Firm 1385 S. Colorado Blvd., Suite A, Denver, CO 802222 [sic]." (Dkt. No. 1 at 7 1.) This plausibly supports an inference he is not a California resident. Defendant does not offer 8 any evidence to rebut this inference, and his contention that he is not subject to personal 9 jurisdiction in California supports the inference he is not a California resident. 10 Accordingly, Defendant's motion to dismiss for lack of subject matter jurisdiction is 11 denied. 12 B. Personal Jurisdiction 13 Defendant also moves to dismiss for lack of personal jurisdiction. "Federal courts 14 ordinarily follow state law in determining the bounds of their jurisdiction over persons." *Daimler* 15 AG v. Bauman, 571 U.S. 117, 125 (2014); see also Fed. R. Civ. P. 4(k)(1) ("Serving a summons ... 16 establishes personal jurisdiction over a defendant ... who is subject to the jurisdiction of a court of 17 general jurisdiction in the state where the district court is located."). "Because 'California's long- 18 arm statute allows the exercise of personal jurisdiction to the full extent permissible under the U.S. 19 Constitution,'" the Court's "inquiry centers on whether exercising jurisdiction comports with due 20 process." *Picot v. Weston*, 780 F.3d 1206, 1211 (9th Cir. 2015) (quoting *Daimler* AG, 571 U.S. at 21 125); see also Cal. Civ. Proc. Code § 410.10 ("A court of this state may exercise jurisdiction on 22 any basis not inconsistent with the Constitution of this state or of the United States."). Due process 23 requires the defendant "have certain minimum contacts" with the forum state "such that the 24 maintenance of the suit does not offend 'traditional notions of fair play and substantial justice.'" 25 2 To the extent Plaintiff's filings suggest she wishes to amend to allege a constitutional claim such 26 as First Amendment retaliation, such a claim would not be viable. (Dkt. No. 31 at 3.) To bring a constitutional claim under 42 U.S.C. § 1983, the defendant must be acting "under color of state 27 law [which] requires that the defendant in a § 1983 action have exercised power possessed by 1 Int'l Shoe Co. v. Wash., 326 U.S. 310, 316 (1945) (quoting *Milliken v. Meyer*, 311 U.S. 457, 463 2 (1940)). 3 Plaintiff "bears the burden" of establishing personal jurisdiction exists. In re Boon Global 4 Ltd., 923 F.3d 643, 650 (9th Cir. 2019). "Where, as here, the defendant's motion is based on 5 written materials rather than an evidentiary hearing, 'the plaintiff need only make a prima facie 6 showing of jurisdictional facts to withstand the motion to dismiss.'" *Ranza v. Nike, Inc.*, 793 F.3d 7 1059, 1068 (9th Cir. 2015) (quoting *CollegeSource, Inc. v. AcademyOne, Inc.*, 653 F.3d 1066, 8 1073 (9th Cir. 2011)). 9 "A court's exercise of personal jurisdiction over a nonresident defendant may be either 10 general or specific." *Doe v. Am. Nat. Red Cross*, 112 F.3d 1048, 1050 (9th Cir. 1997). General 11 jurisdiction requires that the defendant's "affiliations with the State are so continuous and 12 systematic as to render them essentially at home in the forum State." *Goodyear Dunlop Tires* 13 Operations, S.A. v. Brown, 564 U.S. 915, 919 (2011) (quotation marks omitted). By contrast, 14 specific jurisdiction requires a nonresident defendant's "suit-related conduct [to] create a 15 substantial connection with the forum." *Walden v. Fiore*, 571 U.S. 277, 285 (2014). "Where there 16 is no such connection, specific jurisdiction is lacking regardless of

the extent of a defendant's 17 unconnected activities in the State." Bristol-Myers, 582 U.S. at 264.

18 1. General Jurisdiction 19 Courts may only exercise general jurisdiction over an individual outside of their domicile 20 when the individual's contacts with a forum are "so substantial, continuous, and systematic that 21 the defendant can be deemed to be present in that forum for all purposes." Yahoo! Inc. v. La Ligue 22 Contre Le Racisme Et L'Antisemitisme, 433 F.3d 1199, 1206 (9th Cir. 2006) (en banc). As 23 Plaintiff does not allege Defendant is a California citizen, and the Complaint does not include any 24 allegations supporting an inference he is a California citizen or is otherwise "at home" in 25 California, Plaintiff has not met her burden of showing the Court can exercise general personal 26 jurisdiction over Defendant. 27

2. Specific Jurisdiction 1 (1) the defendant must either purposefully direct his activities toward the forum or purposefully avail himself of the privileges of 2 conducting activities in the forum; 3 (2) the claim must be one which arises out of or relates to the defendants' forum-related activities; and 4 (3) the exercise of jurisdiction must comport with fair play and 5 substantial justice, i.e. it must be reasonable. 6

Axiom Foods, Inc. v. Acerchem Int'l, Inc., 874 F.3d 1064, 1068 (9th Cir. 2017) (cleaned up). 7 While Plaintiff has not pled a viable defamation claim, the Court assumes, if given leave to 8 amend, she would plead a defamation claim under state law as her allegations sound in 9 defamation. Courts utilize the "purposeful direction" test for cases bringing a tort claim, such as 10 defamation. Id at 1069 (citing Dole Food Co. v. Watts, 303 F.3d 1104, 1111 (9th Cir. 2002)). 11 Under this test, the defendant must have "(1) committed an intentional act, (2) expressly aimed at 12 the forum state, (3) causing harm that the defendant knows is likely to be suffered in the forum 13 state." Axiom, 874 F.3d at 1069. 14 Generally, "[t]he commission of an intentional tort in a state is a purposeful act that will 15 satisfy the first two requirements [of the minimum contacts test]." Paccar Int'l, Inc. v. 16 Commercial Bank of Kuwait, S.A.K., 757 F.2d 1058, 1064 (9th Cir. 1985). Plaintiff alleges 17 Defendant committed the tort of defamation when he misrepresented their relationship to the hotel 18 staff at the Kimbilio Hotel on December 15, 2024 and falsely accused her of extortion. When, as 19 here, "Plaintiff[] alleges that Defendant[] committed the intentional tort of defamation while 20 present in the forum state, the first two prongs of the minimum contacts test are satisfied." 21

Freestream Aircraft (Bermuda) Ltd. v. Aero L. Grp., 905 F.3d 597, 603 (9th Cir. 2018). 22 As the first two prongs of Axiom's specific jurisdiction test are satisfied, the burden shifts 23 to Defendant to show the exercise of jurisdiction would be unreasonable. Briskin v. Shopify, Inc., 24 135 F.4th 739, 751 (9th Cir. 2025) (stating if plaintiffs satisfies the first two prongs, "the burden 25 shifts to [defendant] to present a compelling case that the presence of some other considerations 26 would render jurisdiction unreasonable.") Defendant's conclusory argument that "finding specific 27 jurisdiction based on a nonresident's ephemeral stay in California violates traditional notions of 1 compelling case the Court's jurisdiction over him would be unreasonable. (Dkt. No. 10 at 9.) 2 Accordingly, Defendant's motion to dismiss for lack of personal jurisdiction is denied. 3 C. Improper Venue 4 Next, Defendant moves to dismiss for improper venue pursuant to Federal Rule

of Civil

5 Procedure 12(b)(3). Plaintiff bears the burden of showing venue is proper. See *Piedmont Label*
6 *Co. v. Sun Garden Packing Co.*, 598 F.2d 491, 496 (9th Cir. 1979). If the Court determines venue
7 is improper, it must “dismiss, or if it be in the interest of justice, transfer such case to any district
8 or division in which it could have been brought.” 28 U.S.C. § 1406(a). 9 Generally, venue is
proper in: 10 (1) a judicial district in which any defendant resides, if all defendants are residents of
the State in which the district 11 is located; 12 (2) a judicial district in which a substantial part of
the events or omissions giving rise to the claim occurred, or a 13 substantial part of property that is
the subject of the action is situated; or 14

(3) if there is no district in which an action may otherwise be

15 brought as provided in this section, any judicial district in which any defendant is subject to the
court’s personal 16 jurisdiction with respect to such action. 17 28 U.S.C. § 1391(b). As Plaintiff
has not alleged Defendant resides in California, let alone in the 18 Northern District of California,
Plaintiff has not met her burden of demonstrating venue is proper 19 here under Section 1391(b)
(1) or (b)(3). Nor has Plaintiff alleged facts supporting venue in the 20 Northern District of
California under Section 1391(b)(2). According to the Complaint, the events 21 underlying
Plaintiff’s allegations took place at the “Kimbilio Hotel Sacramento.” (Dkt. No. 1 at 22 3.) That
allegation supports an inference the hotel is located in Sacramento, California. But 23 Sacramento
is not in the Northern District of California; instead, it is in the Eastern District of 24 California.
So, venue is not proper in the Northern District of California under Section 25 1391(b)(2). 26
Accordingly, Defendant’s motion to dismiss for improper venue is granted. 27 D. Improper
Service 1 improper service. Under Federal Rule of Civil Procedure 4(e), a summons may be
served either in 2 accordance with state law or by 3 (A) delivering a copy of the summons and of
the complaint to the individual personally; 4 (B) leaving a copy of each at the individual’s
dwelling or 5 usual place of abode with someone of suitable age and discretion who resides there;
or 6 (C) delivering a copy of each to an agent authorized by 7 appointment or by law to receive
service of process. 8 Fed. R. Civ. P. 4(e)(2). Plaintiff bears the burden of establishing that service
was valid under Rule 9 4. *Brockmeyer v. May*, 383 F.3d 798, 801 (9th Cir. 2004). 10 Here, the
summons Plaintiff provided, which was served by the U.S. Marshal, was 11 addressed to: 12 C/O
Wolf Law Firm, Re: Michael Lamar Porter 13 1385 S. Colorado Blvd. – Suite A Denver, CO
80222 14 (Dkt. No. 6.) While both Rule 4(e) and California law allow for substitute service on an
15 individual by service on an agent authorized to receive service on behalf of a defendant, see
Fed. 16 R. Civ. P. 4(e)(2)(c); Cal. Code Civ. P. § 416.90, Defendant contends the Wolf Law Firm
was not 17 authorized to accept service of process on his behalf. (Dkt. No. 11, Wolf Decl. at ¶ 4
(attesting it 18 is not and has not been authorized to accept service on Defendant’s behalf).
Plaintiff’s alternative 19 contention that service was proper because she also emailed Defendant
the original documents at 20 the time of filing at a publicly listed contact is unavailing as email is
not a proper means of service 21 under Fed. R. Civ. P. 4(e)(2). 22 Accordingly, Defendant’s

motion to dismiss for improper service is granted. 23 E. Rule 12(b)(6)-Failure to State a Claim 24 Finally, Defendant moves to dismiss for failure to state a claim. As discussed above, the 25 Complaint alleges a violation of 28 U.S.C. § 4101 defamation and slander, but this provision does 26 not provide a private right of action. See *Hall-Johnson v. City & Cnty. Of San Francisco*, 2018 27 WL 9903325, at *9 (N.D. Cal. Sept. 6, 2018) (“28 U.S.C. § 4101 is simply a definitional section 1 (for statutes relating to foreign judgments) and does not provide a private right of action”). To the 2 extent Plaintiff seeks to plead a defamation claim, she may bring one under California law. See 3 *Jackson v. Mayweather*, 10 Cal. App. 5th 1240, 1259 (2017) (“[t]he elements of a defamation 4 claim are (1) a publication that is (2) false, (3) defamatory, (4) unprivileged, and (5) has a natural 5 tendency to injure or causes special damage.”) (cleaned up). Under California law, Plaintiff must 6 specifically identify the allegedly defamatory statements. *Kahn v. Bower*, 232 Cal. App. 3d 1599, 7 1612 n.5 (1991) (“[t]he general rule is that the words constituting an alleged libel must be 8 specifically identified, if not pleaded verbatim, in the complaint.”). 9 Because the Complaint in its current form does not plead an actionable claim, Defendant’s 10 motion to dismiss for failure to state a claim is granted. 11 F. Anti-SLAPP Motion 12 Defendant separately filed Motion to Strike under California’s Anti-SLAPP statute, Cal. 13 Code Civ. Pro. § 425.16. (Dkt. No. 22.) Given the Court’s dismissal of this action for improper 14 venue, insufficient service of process, and failure to state a claim, and because the Anti-SLAPP 15 statute only applies to state and not federal claims and Plaintiff only pleads a claim under federal 16 law, the motion is denied without prejudice. See *Hilton v. Hallmark Cards*, 599 F.3d 894, 901 17 (9th Cir. 2010) (“[a] federal court can only entertain anti-SLAPP special motions to strike in 18 connection with state law claims.”).

19 CONCLUSION

20 For the reasons stated above, the Court GRANTS Defendant’s motion to dismiss for 21 improper venue, improper service of process, and failure to state a claim; the motion to dismiss is 22 otherwise DENIED. (Dkt. No. 10.) Defendant’s motion to strike is DENIED without prejudice. 23 (Dkt. No. 22.) 24 Any amended complaint is due September 19, 2025. Any amended complaint shall 25 separately plead each claim and allege facts in support of each claim. See *Ashcroft v. Iqbal*, 556 26 U.S. 662, 678 (2009) (“a complaint must contain sufficient factual matter, accepted as true, to state 27 a claim to relief that is plausible on its face.”) (cleaned up). If no amended complaint is filed by 1 If an amended complaint is filed, the Court will screen the amended complaint pursuant to 2 || 28 U.S.C. § 1915 before ordering the amended complaint be served. If the Court orders the 3 amended complaint to be served, Plaintiff will have to provide a proper address for service of 4 || process on Defendant. 5 Plaintiff is reminded she can contact the Legal Help Center for free assistance. She can 6 || make an appointment with the Legal Help Center by calling 415-782-8982 or emailing 7 fedpro @ sfbar.org. 8 This Order disposes of Docket Nos. 10, 22. 9 IT IS SO ORDERED. 10 Dated: August 28, 2025 ie Sto a (12

JACQUELINE SCOTT CORLEY

13 United States District Judge © 15 16 = 17 Z 18 19 20 21 22 23 24 25 26 27 28

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