

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Tyler James Suong v. California Judicial Officers

Suong · No. 2:25-cv-3217 CSK (PC) · Decided December 10, 2025

SUMMARY

The Eastern District of California recommends dismissal with prejudice of Tyler James Suong’s complaint against California judicial officers. The court concludes that Suong lacks standing to initiate federal or state criminal charges, finds amendment futile, and recommends denying his application to proceed in forma pauperis.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim, United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 10, 2025
DOCKET	2:25-cv-3217 CSK (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a state prisoner’s pro se civil complaint under 28 U.S.C. § 1915A, with findings and recommendations to deny in forma pauperis status and dismiss the complaint with prejudice without leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss a prisoner complaint that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. In evaluating failure to state a claim, allegations are accepted as true and construed in the light most favorable to the plaintiff.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Tyler James Suong v. California Judicial Officers

TOPICS

- standing
- pleadings
- motions to dismiss
- civil procedure
- federal habeas corpus

PRACTICE AREAS

civil procedure

federal courts

criminal procedure

prisoner litigation

QUESTIONS PRESENTED

1. Whether a private individual may bring civil claims based on federal or state criminal statutes or initiate criminal charges against alleged offenders.
2. Whether Suong had standing to pursue the asserted criminal-law claims and request federal arrest warrants.
3. Whether leave to amend should be granted when the defects in the complaint could not be cured.
4. Whether any noncriminal state-law claims could proceed absent a cognizable federal claim.

HOLDINGS

1. A private individual cannot bring a civil claim under Title 18 criminal statutes or initiate federal criminal charges; criminal proceedings are initiated and controlled by the government.
2. A private individual lacks standing to bring criminal charges based on state criminal statutes.
3. Leave to amend should be denied because amendment would be futile where the plaintiff lacks standing to pursue the alleged criminal violations.

KEY QUOTATIONS

“criminal provisions, however, provide no basis for civil liability.”

“Individuals cannot file criminal charges in the United States District Court.”

FACTUAL BACKGROUND

Suong, a California state prisoner proceeding pro se, attempted to bring an action on behalf of the United States against two California judicial officers. He alleged, among other things, federal kidnapping under 18 U.S.C. § 1201 and violations of California criminal statutes, and sought issuance of federal arrest warrants. The complaint referenced state appellate and superior court proceedings related to his criminal conviction and his resulting 75-years-to-life sentence.

PROCEDURAL HISTORY

Suong filed a pro se complaint attempting to bring claims against California judicial officers based principally on alleged federal and state criminal violations and seeking federal arrest warrants. The magistrate judge screened the complaint under 28 U.S.C. § 1915A and concluded that Suong could not privately prosecute criminal offenses or establish standing to pursue the asserted claims. The court ordered assignment of a district judge and recommended denial of the in forma pauperis application and dismissal with prejudice; objections were permitted under 28 U.S.C. § 636(b)(1).

DISPOSITION

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 325, 327
- Franklin v. Murphy, 745 F.2d 1221, 1227-28
- Jackson v. Arizona, 885 F.2d 639, 640
- Lopez v. Smith, 203 F.3d 1122, 1130-31
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555
- Conley v. Gibson, 355 U.S. 41, 47
- Erickson v. Pardus, 551 U.S. 89, 93
- Scheuer v. Rhodes, 416 U.S. 232, 236
- Davis v. Scherer, 468 U.S. 183
- Bennett v. Medtronic, Inc., 285 F.3d 801, 803 n.2
- Aldabe v. Aldabe, 616 F.2d 1089, 1092
- Redmond v. United States, 2022 WL 1304472, at *3 (N.D. Cal. May 2, 2022)
- Clinton v. Jones, 520 U.S. 681, 718
- Tran v. Daniel, 2017 WL 6513414, at *2 (N.D. Cal. Dec. 20, 2017)
- Harbor v. Kim, 2017 WL 443164, at *4 (C.D. Cal. Jan. 31, 2017)
- United States v. Nixon, 418 U.S. 683, 693
- Dix v. Superior Court, 53 Cal. 3d 442, 453-54
- Lipton v. Pathogenesis Corp., 284 F.3d 1027, 1039
- Cahill v. Liberty Mut. Ins. Co., 80 F.3d 336, 339
- Martinez v. Ylst, 951 F.2d 1153 (th Cir. 1991)

OPINION

Tyler James Suong v. California Judicial Officers

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 TYLER JAMES SUONG, No. 2:25-cv-3217 CSK (PC)

12 Plaintiff,

13 v. ORDER AND FINDINGS AND

RECOMMENDATIONS

14 CALIFORNIA JUDICIAL OFFICERS,

15 Defendants. 16

17 Tyler James Suong, a state prisoner proceeding pro se, attempts to bring this action on 18 behalf of the United States, and claims he is the affiant in this action attempting to charge two 19 California Judicial Officers with, among other things, “federal kidnapping.”¹ (ECF No. 1 at 6.) 20 The Court finds that the instant complaint should be dismissed without leave to amend.

21 I. SCREENING STANDARDS

22 The court is required to screen complaints brought by prisoners seeking relief against a 23 governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The 24 court must dismiss a complaint or portion thereof if the prisoner raised claims that are legally 25 “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that seek 26 monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b) (1), (2). 27 1 Affiant filed an application to proceed in forma pauperis. However, because the Court finds 28 this complaint must be dismissed, the Court recommends that affiant’s application be denied. 1 A claim is legally frivolous when it lacks an arguable basis either in law or in fact. 2 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Franklin v. Murphy*, 745 F.2d 1221, 1227-28 (9th 3 Cir. 1984). The court may, therefore, dismiss a claim as frivolous when it is based on an 4 indisputably meritless legal theory or where the factual contentions are clearly baseless. *Neitzke*, 5 490 U.S. at 327. The critical inquiry is whether a constitutional claim, however inartfully 6 pleaded, has an arguable legal and factual basis. See *Jackson v. Arizona*, 885 F.2d 639, 640 (9th 7 Cir. 1989), superseded by statute as stated in *Lopez v. Smith*, 203 F.3d 1122, 1130-31 (9th Cir. 8 2000) (“[A] judge may dismiss [in forma pauperis] claims which are based on indisputably 9 meritless legal theories or whose factual contentions are clearly baseless.”); *Franklin*, 745 F.2d at 10 1227.

11 Rule 8(a)(2) of the Federal Rules of Civil Procedure “requires only ‘a short and plain 12 statement of the claim showing that the pleader is entitled to relief,’ in order to ‘give the 13 defendant fair notice of what the . . . claim is and the grounds upon which it rests.’” *Bell Atlantic 14 Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). 15 In order to survive dismissal for failure to state a claim, a complaint must contain more than “a 16 formulaic recitation of the elements of a cause of action;” it must contain factual allegations 17 sufficient “to raise a right to relief above the speculative level.” *Bell Atlantic*, 550 U.S. at 555. 18 However, “[s]pecific facts are not necessary; the statement [of facts] need only ‘give the 19 defendant fair notice of what the . . . claim is and the grounds upon which it rests.’” *Erickson v. 20 Pardus*, 551 U.S. 89, 93 (2007) (quoting *Bell Atlantic*, 550 U.S. at 555, citations and internal 21 quotations marks omitted). In reviewing a complaint under this standard, the court must accept as 22 true the allegations of the complaint in question, *Erickson*, 551 U.S. at 93, and construe the 23 pleading in the light most favorable to the plaintiff. *Scheuer v. Rhodes*, 416 U.S. 232, 236 24 (1974), overruled on other grounds, *Davis v. Scherer*, 468 U.S. 183 (1984).

25 II. AFFIANT’S BACKGROUND

26 In the complaint, affiant references California Supreme Court Case No. S292192, 27 California

Court of Appeal Case No. F0900002, and California Superior Court Case No. 28 F07900009, which appear to relate to affiant's underlying criminal conviction. (ECF 1 at 1.) 1 Affiant is in the custody of the California Department of Corrections and Rehabilitation 2 ("CDCR") serving an indeterminate sentence of 75-years-to-life pursuant to a judgment of the 3 Superior Court of California, County of Fresno, based on affiant's 2007 conviction. *Suong v. Cate*, 2014 WL 727138, at *1 (E.D. Cal. Feb. 24, 2014), report and recommendation adopted, 5 2014 WL 12952769 (E.D. Cal. June 13, 2014).² On June 13, 2014, affiant's petition for writ of 6 habeas corpus under 28 U.S.C. § 2243 was denied. *Suong v. Cate*, 2014 WL 12952769, at *1 7 (E.D. Cal. June 13, 2014). 8 On December 7, 2020, affiant's second petition for writ of habeas corpus under 28 U.S.C. 9 § 2254 was dismissed. *Suong v. Koenig*, 2020 WL 8877668, at *2 (E.D. Cal. Dec. 7, 2020).

10 III. DISCUSSION

11 Among various alleged state law violations, affiant claims a violation of 18 U.S.C. § 1201, 12 federal kidnapping, and seeks the issuance of federal arrest warrants. (ECF No. 1 at 6, 18.) Title 13 18 covers federal crimes liability. Affiant cannot bring a claim under Title 18 or any other 14 criminal statute in a civil case. See *Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir. 1980) 15 ("criminal provisions, however, provide no basis for civil liability."); *Redmond v. United States*, 16 2022 WL 1304472, at *3 (N.D. Cal. May 2, 2022) ("private individuals lack standing to assert 17 claims for relief based on criminal statutes.") (collecting cases). "Criminal proceedings, unlike 18 private civil proceedings, are public acts initiated and controlled by the Executive Branch." 19 *Clinton v. Jones*, 520 U.S. 681, 718 (1997). Therefore, "[i]ndividuals cannot file criminal charges 20 in the United States District Court. Rather, criminal proceedings in federal court are initiated by 21 the government, usually through the United States Attorney's Office." :Candy-Anh-Thu:Tran v. 22 Daniel, 2017 WL 6513414, at *2 (N.D. Cal. Dec. 20, 2017) (citing *Harbor v. Kim*, 2017 WL 23 443164, at *4 (C.D. Cal. Jan. 31, 2017)) ("The decision to institute criminal proceedings lies 24 within the discretion of the proper state or federal prosecuting authority"); see also *United States* 25 *v. Nixon*, 418 U.S. 683, 693 (1974) (noting that the executive branch has "exclusive authority and 26 2 A court may take judicial notice of court records. See, e.g., *Bennett v. Medtronic, Inc.*, 285 27 F.3d 801, 803 n.2 (9th Cir. 2002) ("[W]e may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to 28 matters at issue") (internal quotation omitted). 1 absolute discretion to decide whether to prosecute a case"). Accordingly, affiant lacks standing to 2 bring the claims alleged in his complaint. See *Aldabe*, 616 F.2d at 1092. If affiant believes the 3 defendants engaged in criminal conduct, he must contact federal law enforcement or the United 4 States Attorney's Office and present the facts supporting that belief to them.

5 IV. STATE LAW CLAIMS

6 Affiant also claims violations of California Penal Code Section 32 (harboring a felon), 7 California Penal Code Section 207(a) (kidnapping), and California Elections Code Sections 8

18500 and 18501.3 Just as with federal criminal charges, affiant has no standing to bring criminal
9 charges based on state law. See *Dix v. Superior Court*, 53 Cal. 3d 442, 453-54 (1991) 10
11 ([“[R]ecognition of citizen standing to intervene in criminal prosecutions would have ‘ominous’ 11
12 implications. . . . It would undermine the People’s status as exclusive party plaintiff in criminal
13 actions, interfere with the prosecutor’s broad discretion in criminal matters, and disrupt the
14 orderly administration of justice.”) (citations omitted); *Harbor*, 2017 WL 443164, at *4 (C.D. Cal.
14 Jan. 31, 2017).

15 To the extent affiant attempts to raise other, noncriminal state law claims, while the Court 16
17 may exercise supplemental jurisdiction over state law claims, affiant must first have a cognizable
18 claim for relief under federal law. See 28 U.S.C. § 1367.

18 V. LEAVE TO AMEND FUTILE

19 A pro se litigant is ordinarily entitled to leave to amend a defective complaint so that he 20 has
21 an additional chance to state a proper claim for relief. *Lopez v. Smith*, 203 F.3d 1122 (9th
22 Cir. 2000). But that rule does not apply when “the basic facts are alleged and have been
23 analyzed” from a litigant’s pleadings, and it is apparent that affiant cannot cure the flaws in his
24 claims. *Lipton v. Pathogenesis Corp.*, 284 F.3d 1027, 1039 (9th Cir. 2002). Here, giving affiant
25 leave to amend would be futile, as he does not have standing to pursue alleged criminal
26 violations. Thus, granting leave to amend would be futile. See *Cahill v. Liberty Mut. Ins. Co.*, 80
27 F.3d 336, 339 (9th Cir. 1996). 27 3 These sections were not referenced in Westlaw, but affiant
claims they implicate elections 28 fraud. (ECF No. 1 at 4.)

1 | VI. CONCLUSION

2 Accordingly, IT IS HEREBY ORDERED that the Clerk shall assign a district judge to 3 || this
case. 4 IT IS HEREBY RECOMMENDED that affiant’s application to proceed in forma pauperis
5 || (ECF No. 3) be denied, and the instant complaint be dismissed with prejudice. 6 These findings
and recommendations are submitted to the United States District Judge 7 || assigned to the case,
pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days 8 | after being served
with these findings and recommendations, affiant may file written objections 9 || with the court
and serve a copy on all parties. Such a document should be captioned 10 || “Objections to
Magistrate Judge’s Findings and Recommendations.” Affiant is advised that 11 | failure to file
objections within the specified time may waive the right to appeal the District 12 || Court’s order.
Martinez v. Ylst, 951 F.2d 1153 (th Cir. 1991). 13 14 || Dated: December 10, 2025 4 aA i Aan Spe |
CHI SOO KIM

16 UNITED STATES MAGISTRATE JUDGE

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