

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Devon Keith Webb v. UShip, GoDaddy, et al.

No. 2:25-cv-2043 DJC AC PS · No. No. 2:25-cv-2043 DJC AC PS · Decided September 23, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Devon Keith Webb’s motion to proceed in forma pauperis but declines to serve the complaint. The court concludes that Webb lacks standing to assert claims belonging to ACSD Deliveries, LLC, is not the real party in interest, and cannot represent the LLC without licensed counsel. The court also finds the pleaded claims insufficiently stated but permits amendment within 30 days, either through counsel on behalf of the LLC or pro se on claims involving Webb’s own injuries.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 23, 2025
DOCKET	No. 2:25-cv-2043 DJC AC PS
DISPOSITION	other
PROCEDURAL POSTURE	Initial screening of a pro se complaint filed with a motion to proceed in forma pauperis under 28 U.S.C. § 1915. The magistrate judge granted in forma pauperis status, declined to authorize service, and allowed plaintiff 30 days to amend or obtain counsel for the LLC.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915(e)(2), accepting factual allegations as true unless clearly baseless or fanciful, construing them in the light most favorable to the plaintiff, resolving doubts in the plaintiff’s favor, and applying the Rule 12(b)(6) plausibility standard while giving pro se pleadings a less stringent construction.
PRECEDENTIAL VALUE	Unknown
PARTIES	Devon Keith Webb v. UShip, GoDaddy, et al.

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QUESTIONS PRESENTED

1. Whether Webb had Article III standing to assert injuries allegedly suffered by ACSD Deliveries, LLC.
2. Whether Webb was the real party in interest under Federal Rule of Civil Procedure 17(a).
3. Whether Webb could represent ACSD Deliveries, LLC without licensed counsel.
4. Whether the complaint stated plausible claims for business identity misappropriation, unfair competition under California Business and Professions Code section 17200, negligence, and intentional interference with prospective economic advantage.
5. Whether Webb should be granted leave to amend or obtain counsel before dismissal.

HOLDINGS

1. A member or owner of an LLC does not have standing to assert claims in his individual name for injuries allegedly suffered by the LLC, even if he is the LLC's owner or sole shareholder.
2. The entity that legally holds claims arising from injury to the LLC, rather than the individual member, is the real party in interest.
3. A nonlawyer individual may not represent an LLC in federal court pro se; the LLC must appear through licensed counsel.
4. The complaint failed to state plausible claims for business identity misappropriation, unfair competition under California Business and Professions Code section 17200, negligence, and intentional interference with prospective economic advantage.

KEY QUOTATIONS

“Generally, a shareholder does not have standing to redress an injury to the corporation.” (at 3)

“The right to represent oneself pro se is personal to the plaintiff as an individual and does not extend to other parties.” (at 4)

“A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” (at 5)

“However, the court declines to serve plaintiff’s complaint at this time. Plaintiff may file an amended complaint within 30 days of this order.” (at 7)

FACTUAL BACKGROUND

Webb alleged that he owned ACSD Deliveries, LLC, a California shipping and logistics business. He claimed that UShip's online marketplace was attached to ACSD's site and diverted business, that UShip-issued bills of

lading misrepresented ACSD's address, and that UShip's registration process caused double bookings and unauthorized shipments. He also alleged that GoDaddy changed the primary language of ACSD's website to Spanish without authorization. The alleged losses and operational harms were asserted as injuries to ACSD rather than to Webb personally.

PROCEDURAL HISTORY

Webb filed a complaint in his individual name alleging business-related injuries to ACSD Deliveries, LLC, and moved to proceed in forma pauperis. The matter was referred to Magistrate Judge Allison Claire. After screening the complaint under 28 U.S.C. § 1915(e)(2), the court concluded that Webb lacked standing to assert the LLC's injuries, was not the real party in interest, could not represent the LLC pro se, and had not adequately pleaded his asserted causes of action. The court granted IFP status, declined to serve the complaint, and granted leave to amend within 30 days.

DISPOSITION

other

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 325, 327 (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)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- 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)
- Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987), superseded on other grounds by statute as stated in Lopez v. Smith, 203 F.3d 1122 (9th Cir. 2000) (en banc)
- Shulman v. Kaplan, 58 F.4th 404, 407 (9th Cir. 2023)
- Steel Co. v. Citizens for a Better Environment, 523 U.S. 83, 102 (1998)
- Shell Petroleum, N.V. v. Graves, 709 F.2d 593, 595 (9th Cir. 1983)
- CF Gainesville Investor, LLC v. Astronergy Solar Inc., No. 2:21-cv-02654-CAS-RAOx, 2022 U.S. Dist. LEXIS 20520, 2022 WL 1422810, at *4 (C.D. Cal. Jan. 10, 2022)
- Sinclair v. Fox Hollow of Turlock Owners Association, No. 1:03-cv-05439-OWW, 2011 U.S. Dist. LEXIS 63250, 2011 WL 2433289, at *4 (E.D. Cal. June 13, 2011)
- Kenney v. Wells Fargo Bank, N.A., No. 2:25-CV-04845-WLH-PD, 2025 WL 2117410, at *2, 2025 U.S. Dist. LEXIS 145739 (C.D. Cal. July 18, 2025)
- Simon v. Hartford Life, Inc., 546 F.3d 661, 664 (9th Cir. 2008)
- Russell v. United States, 308 F.2d 78, 79 (9th Cir. 1962)

- Rowland v. California Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 201-02 (1993)
- United States v. High Country Broadcasting Co., Inc., 3 F.3d 1244, 1245 (9th Cir. 1993)
- In re Bigelow, 179 F.3d 1164, 1165 (9th Cir. 1999)
- People v. Casa Blanca Convalescent Homes, Inc., 159 Cal. App. 3d 509, 530 (1984)
- Cel-Tech Communications, Inc. v. Los Angeles Cellular Telephone Co., 20 Cal. 4th 163, 186-87 & n.12 (1999)
- Megargee v. Wittman, 550 F. Supp. 2d 1190, 1209 (E.D. Cal. 2008)
- Roy Allan Slurry Seal, Inc. v. American Asphalt South, Inc., 2 Cal. 5th 505, 512 (2017)
- McHenry v. Renne, 84 F.3d 1172, 1177, 1179-80 (9th Cir. 1996)
- Pacific Bell Telephone Co. v. Linkline Communications, Inc., 555 U.S. 438, 456 n.4 (2009)

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