

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Napoles v. Amazon.com Services LLC

No. 2:24-cv-03313-DAD-AC (E.D. Cal. June 9, 2025) · No. 2:24-cv-03313-DAD-AC · Decided June 10, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Amazon.com Services LLC’s motion to dismiss Brandon Napoles’s employment discrimination, retaliation, and harassment claims under California law. The court held that the complaint contained virtually no non-conclusory factual allegations and failed to satisfy Federal Rules of Civil Procedure 8 and 12(b)(6). The court granted Napoles 21 days to file a first amended complaint or a notice of intent not to amend.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 BRANDON NAPOLES, No. 2:24-cv-03313-DAD-AC 12 Plaintiff, 13 v.
ORDER GRANTING DEFENDANT’S MOTION TO DISMISS WITH LEAVE TO 14
AMAZON.COM SERVICES LLC, AMEND 15 Defendant. (Doc. No. 4) 16 17 This matter is
before the court on the motion to dismiss plaintiff’s complaint filed on 18 behalf of defendant on
December 4, 2024.

(Doc. No. 4.) On January 21, 2025, the pending 19 motion was taken under submission on the
papers. (Doc. No. 8.) For the reasons explained 20 below, defendant’s motion to dismiss will be
granted, and plaintiff will be granted leave to amend 21 and out of an abundance of caution. 22
BACKGROUND 23 On October 18, 2024, plaintiff filed his complaint initiating this action in the
Sacramento 24 County Superior Court.

(Doc. No. 1-3.) Defendant removed the action to this federal court on 25 November 27, 2024.
(Doc. No. 1.) 26 The full extent of plaintiff’s non-conclusory factual allegations provided in his
complaint 27 are as follows: Plaintiff is an individual who resides in California; plaintiff has
received a Right 28 1 to Sue letter from the California Civil Rights Department and has thus
exhausted all necessary 2 administrative remedies.

(Doc. No. 1-3 at ¶¶ 1, 12.) Each of plaintiff’s other allegations is 3 entirely conclusory. (See
generally Doc. No. 1-3.) For instance, plaintiff provides the following 4 allegation at the start of
the “Factual Background” section of his complaint: 5 Defendants subjected Plaintiff to
discrimination / harassment / retaliation on the bases of race /color / ancestry / national origin, 6
marital status, disability, request for and exercise of reasonable accommodation, request for and
exercise of medical leave, 7 opposition to discrimination / harassment / retaliation, opposition /

refusal to perform / disclosure of violation of the law, opposition / 8 refusal to perform / disclosure of unsafe work environment, opposition / refusal to perform / disclosure of Labor Code violations, 9 assertion of rights under the Labor Code.

10 (Id. at ¶ 6.) Plaintiff does not allege, for example, his race, national origin, or marital status. 11 Based only on the allegations quoted above, plaintiff asserts a variety of claims for 12 discrimination, retaliation, and harassment under California state law. (Id. at 2.) 13 On December 4, 2024, defendant filed the pending motion to dismiss plaintiff's complaint 14 on the grounds that all of plaintiff's claims asserted in his complaint are entirely conclusory.

15 (Doc. No. 4.) On December 18, 2024, plaintiff filed his opposition to the pending motion. (Doc. 16 No. 6.) On December 30, 2024, defendant filed its reply thereto. (Doc. No. 7.) 17 LEGAL STANDARD 18 The purpose of a motion to dismiss pursuant to Rule 12(b)(6) is to test the legal 19 sufficiency of the complaint. *N. Star Int'l v. Ariz. Corp. Comm'n*, 720 F.2d 578, 581 (9th Cir.

20 1983). "Dismissal can be based on the lack of a cognizable legal theory or the absence of 21 sufficient facts alleged under a cognizable legal theory." *Balistreri v. Pacifica Police Dep't*, 901 22 F.2d 696, 699 (9th Cir. 1990). A plaintiff is required to allege "enough facts to state a claim to 23 relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). "A 24 claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw 25 the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

27 In determining whether a complaint states a claim on which relief may be granted, the 28 court accepts as true the allegations in the complaint and construes the allegations in the light 1 most favorable to the plaintiff. *Hishon v. King & Spalding*, 467 U.S. 69, 73 (1984).

However, 2 the court need not assume the truth of legal conclusions cast in the form of factual allegations. 3 U.S. ex rel. *Chunie v. Ringrose*, 788 F.2d 638, 643 n.2 (9th Cir. 1986). While Rule 8(a) does not 4 require detailed factual allegations, "it demands more than an unadorned, the-defendant- 5 unlawfully-harmed-me accusation." *Iqbal*, 556 U.S. at 678. A pleading is insufficient if it offers 6 mere "labels and conclusions" or "a formulaic recitation of the elements of a cause of action." 7 *Twombly*, 550 U.S. at 555; see also *Iqbal*, 556 U.S. at 676 ("Threadbare recitals of the elements 8 of a cause of action, supported by mere conclusory statements, do not suffice.").

It is 9 inappropriate to assume that the plaintiff "can prove facts that it has not alleged or that the 10 defendants have violated the... laws in ways that have not been alleged." *Associated Gen. 11 Contractors of Cal., Inc. v. Cal. State Council of Carpenters*, 459 U.S. 519, 526 (1983). 12 ANALYSIS 13 Defendant argues that all of plaintiff's allegations in his complaint are conclusory and that 14 he has therefore failed to allege any facts in support of any of his claims.

(Doc. No. 4-1.) In an 15 opposition that is barely two substantive pages long,¹ plaintiff argues solely that defendant “relies 16 upon the incorrect pleading standard” by insisting on adherence to the heightened pleading 17 standard of Federal Rule of Civil Procedure 9(b). (Doc. No. 6.) Defendant points out in reply 18 that it did not cite Rule 9 in its motion to dismiss.

(Doc. No. 7 at 4 n.1.) 19 Plaintiff has alleged virtually no facts in support of any of his claims. For instance, in 20 support of his first claim for discrimination in violation of state law, plaintiff alleges in full: 21 Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as though fully set forth herein. Defendants’ actions 22 constitute discrimination in violation of the Fair Employment and Housing Act (“FEHA”).

As a proximate result of the wrongful 23 conduct of defendants, plaintiff has suffered and continues to suffer a loss in earnings and other employment benefits according to proof 24 at time of trial. As a proximate result of the wrongful conduct of defendants, plaintiff has suffered humiliation, emotional distress and 25 mental pain and anguish all to its [sic] damage in an amount according to proof at trial.

In doing the acts herein alleged, 26 defendants acted with oppression, malice, and/or conscious disregard 27 1 The “Conclusion” section of plaintiff’s opposition is simply a verbatim copy of his 28 “Introduction” section, including the same typographical errors. 1 of plaintiff’s rights and plaintiff is therefore entitled to punitive damages. 2 3 (Doc. No. 1-3 at ¶¶ 13–17.)

As mentioned above, plaintiff does not allege any of his 4 characteristics that might support a claim for discrimination—or any of his characteristics at all— 5 such as his race, national origin, marital status, or disability. Defendant’s motion to dismiss will 6 therefore be granted. See Fed. R. Civ. P. 12(b)(6); Fed. R. Civ. P. 8; *Twombly*, 550 U.S. at 570.

7 Leave to amend should be granted “freely” when justice so requires. Fed. R. Civ. 8 P. 15(a). The Ninth Circuit maintains a policy of “extreme liberality generally in favoring 9 amendments to pleadings.” *Rosenberg Bros. & Co. v. Arnold*, 283 F.2d 406, 406 (9th Cir. 1960). 10 Reasons “such as undue delay, bad faith or dilatory motive... repeated failure to cure 11 deficiencies... undue prejudice to the opposing party... [or] futility” may support denial of 12 leave to amend.

Foman v. Davis, 371 U.S. 178, 182 (1962). A district court “should grant leave 13 to amend even if no request to amend the pleading was made, unless it determines that the 14 pleading could not possibly be cured by the allegation of other facts.” *Cook, Perkiss and Liehe, 15 Inc. v. N. Cal. Collection Serv. Inc.*, 911 F.2d 242, 247 (9th Cir. 1990). 16 Here, plaintiff has requested leave to amend his pleadings in his opposition.

(Doc. No. 6 17 at 4.) Because plaintiff has not yet had any opportunity to amend his complaint, because that 18 original complaint was filed in state court, and in light of the Ninth Circuit’s policy of “extreme 19 liberality,” *Rosenberg Bros.*, 283 F.3d at 406, the court will grant plaintiff

leave to amend out of 20 an abundance of caution. 21 CONCLUSION 22 For the reasons explained above: 23 1.

Defendant's motion to dismiss plaintiff's complaint (Doc. No. 4) is GRANTED; 24 2. Within twenty-one (21) days from the date of entry of this order, plaintiff shall file 25 either a first amended complaint, or a notice of his intent not to do so; and 26 ///// 27 ///// 28 ///// 1 3. Plaintiff is cautioned that failure to timely file either a first amended complaint or 2 a notice of his intent not to do so may result in the dismissal of this action.

3 IT IS SO ORDERED. * | Dated: _ June 9, 2025 Dab A. 2, sxe 5 DALE A. DROZD ' UNITED STATES DISTRICT JUDGE 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28