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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TERRANCE TURNER,
*individually and on behalf of the
Proposed Claim, and victim of the
allegations & charges,*

Plaintiff,

v.

ADVANTAGE GPS; PROCON
ANALYTICS; PORSCHE CARS
USA OF NORTH AMERICA;
FEDERAL TRADE
COMMISSION; FBI – SAN
DIEGO FIELD OFFICE;
USSOCOM; FBI; CIA; SECRET
SERVICE; IRS; SEC; and DHS,

Defendants.

Case No.: 23-cv-1773-WQH-SBC

ORDER

HAYES, Judge:

The matter before the Court is the Motion to Proceed In Forma Pauperis (“IFP”) (ECF No. 2) filed by Plaintiff Terrance Turner.

I. BACKGROUND

On September 25, 2023, Plaintiff, proceeding pro se, initiated this action by filing a Complaint against Advantage GPS; Procon Analytics; Porsche Cars of North America;

1 FBI – San Diego Field Office; USSOCOM; FBI; CIA; Secret Service; IRS; SEC; and
2 DHS.¹ (ECF No. 1.) Plaintiff also filed a Motion to Proceed IFP pursuant to 28 U.S.C.
3 § 1915(a). (ECF No. 2.)

4 **II. INITIAL SCREENING OF THE COMPLAINT**

5 **A. Factual Allegations in the Complaint**

6 Plaintiff alleges that “[t]he victim is identified as ‘Edward Fair of Ione, California.’”
7 (ECF No. 1 at 4.) Plaintiff alleges that the victim and assailant are “previous associates of
8 some undetermined, nonmentioned relationship of period of time, entered into a bargaining
9 ecumenable status agreement, and thus transitive-vicarious-loan-structure commencement,
10 where vehicle utility, and vehicle use would be exchanged for a sum, installment payment
11 organization of portended effects schedule of \$18,000 USD.” *Id.* Plaintiff alleges that
12 payment has not been made as of the filing of this Complaint. *Id.* Plaintiff alleges that “[t]he
13 assailant, and criminal culprit has absconded with the vehicle, a 2021, Porsche Boxster,
14 approximate ‘street value’ of \$100,000 USD.” *Id.* The “precise GPS location” of the
15 vehicle is unknown even though “the GPS location of any vehicle is guaranteed.” *Id.*

16 Plaintiff alleges that the vehicle was purchased from Porsche Downtown LA. *Id.* at
17 5. Plaintiff alleges that the vehicle is being driven around the Sacramento area. *Id.* Plaintiff
18 alleges that “[t]he victim sought assistance from local county law enforcement, who
19 declared to the individual that ‘this is a civil matter and not a law enforcement issue’, thus
20 this civil complaint is formed.” *Id.* Plaintiff alleges that the vehicle is “part of an
21 embezzlement smuggling car theft.” *Id.* Plaintiff does not seek recovery of the vehicle and
22 only seeks punitive damages and direct “financial remuneration.” *Id.*

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25 ¹ Plaintiff alleges that jurisdiction is proper in the Northern District of California and the captions of the
26 Complaint and IFP Motion state “Northern District of California.” (ECF No. 1 at 1; ECF No. 2 at 1.)
27 However, Plaintiff’s filings were mailed to the Southern District of California. (*See* ECF No. 1-3 at 1.) At
28 least one Defendant is located in San Diego, California, based upon the Complaint. (ECF No. 1-2.) Further,
it is unclear based upon the allegations in the Complaint where the alleged conduct occurred such that the
Court could determine whether the Southern District of California is the proper venue. The Court does not
dismiss the Complaint on venue grounds at this time. *See* 28 U.S.C. § 1391(b).

1 Plaintiff brings the following twelve claims: (1) 15 U.S.C. § 45, unfair methods of
2 competition unlawful; (2) 15 U.S.C. § 13, discrimination in price, services, or facilities;
3 (3) 47 U.S.C. § 325, false, fraudulent, or unauthorized transmissions; (4) Uniform
4 Commercial Code § 2-314, implied warranty merchantability, usage of trade; (5) 47 U.S.C.
5 § 333, willful or malicious interference; (6) 15 U.S.C. § 2308, implied warranties; (7) 47
6 U.S.C. § 326, censorship; (8) 15 U.S.C. § 2310, remedies in consumer disputes; (9) 15
7 U.S.C. § 2304, federal minimum standards for warranties; (10) 15 U.S.C. § 2056, consumer
8 product safety standards; (11) 15 U.S.C. § 2068, prohibited acts; and (12) 15 U.S.C. § 50,
9 offenses and penalties. (*See* ECF No. 1 at 6–10.)

10 **B. Legal Standard**

11 A complaint filed pursuant to 28 U.S.C. § 1915(a) must undergo a mandatory and
12 sua sponte screening by the Court. *See Calhoun v. Stahl*, 254 F.3d 845, 845 (2001) (per
13 curiam) (holding that “the provisions of 28 U.S.C. § 1915(e)(2)(B) are not limited to
14 prisoners” and also apply to non-prisoners). 28 U.S.C. § 1915(e)(2) states that

15 (2) Notwithstanding any filing fee, or any portion thereof, that may have been
16 paid, the court shall dismiss the case at any time if the court determines that—

17 (A) the allegation of poverty is untrue; or

18 (B) the action or appeal—

19 (i) is frivolous or malicious;

20 (ii) fails to state a claim on which relief may be granted; or

21 (iii) seeks monetary relief against a defendant who is immune
22 from such relief.

23 28 U.S.C. § 1915(e)(2). The Court of Appeals for the Ninth Circuit has explained that “[i]t
24 is true that 1915(e)(2)’s provision for dismissal for failure to state a claim itself penalizes
25 indigent non-prisoner plaintiffs for the alleged abuses of prisoner plaintiffs.” *Lopez v.*
26 *Smith*, 203 F.3d 1122, 1129 n.10 (9th Cir. 2000). However, the Court of Appeals elaborated
27 that “Congress inserted 1915(e)(2) into the in forma pauperis statute, and [courts] must
28 follow this clear statutory direction.” *Id.*

The standard used to evaluate whether a complaint states a claim is a liberal one,
particularly when the action has been filed pro se. *See Estelle v. Gamble*, 429 U.S. 97, 106

1 (1976). “However, a liberal interpretation ... may not supply elements of the claim that
2 were not initially pled.” *Ivey v. Bd. of Regents of Univ. of Alaska*, 673 F.2d 266, 268 (9th
3 Cir. 1982). “The standard for determining whether a plaintiff has failed to state a claim
4 upon which relief can be granted under § 1915(e)(2)(B)(ii) is the same as the Federal Rule
5 of Civil Procedure 12(b)(6) standard for failure to state a claim.” *Watison v. Carter*, 668
6 F.3d 1108, 1112 (9th Cir. 2012). Rule 12(b)(6) requires a complaint to “contain sufficient
7 factual matter, accepted as true, to state a claim to relief that is plausible on its face.”
8 *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Detailed factual allegations are not required
9 but “[t]hreadbare recitals of the elements of a cause of action, supported by mere
10 conclusory statements, do not suffice.” *Id.* “[T]he mere possibility of misconduct” or “an
11 unadorned, the defendant-unlawfully-harmed me accusation” falls short of meeting this
12 plausibility standard. *Id.* at 678–79. “Determining whether a complaint states a plausible
13 claim for relief [is] ... a context-specific task that requires the reviewing court to draw on
14 its judicial experience and common sense.” *Id.* at 679.

15 “[F]ederal courts are required sua sponte to examine jurisdictional issues such as
16 standing.” *B.C. v. Plumas Unified Sch. Dist.*, 92 F.3d 1260, 1264 (9th Cir. 1999). There are
17 three elements to establish standing, (1) the plaintiff must have suffered “an injury in fact”;
18 (2) there is “a causal connection between the injury and the conduct complained of”; and
19 (3) “injury will be redressed by a favorable decision.” *Lujan v. Defenders of Wildlife*, 504
20 U.S. 555, 560 (1992).

21 C. Discussion

22 Standing to sue is a jurisdictional requirement, and a party invoking federal
23 jurisdiction has the burden of establishing it. *Lujan v. Defenders of Wildlife*, 504 U.S. 555,
24 561 (1992); *see also Warth v. Seldin*, 422 U.S. 490, 498 (1975) (standing is a “threshold
25 question in every federal case”). Jurisdictional defects, including standing, must be raised
26 by courts sua sponte. *B.C. v. Plumas Unified Sch. Dist.*, 192 F.3d 1260, 1264 (9th Cir.
27 1999). To show that a party has standing, he must establish that: (1) he suffered an “injury
28 in fact;” (2) there is causal connection between the injury and the allegedly wrongful

1 conduct; and (3) the injury would likely be redressed by a favorable decision. *Lujan*, 504
2 U.S. at 560-61.

3 Plaintiff's Complaint centers on injury that Plaintiff did not suffer from but rather
4 was suffered by another individual, Edward Fair. However, a plaintiff generally does not
5 have standing to sue for an injury suffered by another person. *Cf. Warth*, 422 U.S. at 501
6 (“[T]he plaintiff still must allege a distinct and palpable injury to himself, even if it is an
7 injury shared by a large class of other litigants.”). Upon reviewing the Complaint, Plaintiff
8 does not allege that he himself has suffered any injury, has any relationship with Edward
9 Fair, or was involved in the facts alleged in the Complaint. Plaintiff does not proffer any
10 legal theories for third party standing. Plaintiff appears to be representing Edward Fair in
11 this lawsuit for “financial remuneration” despite the fact that he is not alleged to be an
12 attorney. Plaintiff states this fact in this Motion to Proceed In Forma Pauperis. (*See* ECF
13 No. 2 at 2 (“I am hustling legal services at a medium price just to pay the rent.”).) Plaintiff
14 fails to meet his burden to show that he has standing to sue for the Complaint's allegations.
15 Accordingly, the Court dismisses the Complaint without prejudice pursuant to § 1915(e).

16 Plaintiff is cautioned that the unauthorized practice of law is unlawful. *See In re*
17 *Reynoso*, 477 F.3d 1117, 1125 (9th Cir. 2007) (stating that preparing legal documents is
18 the practice of law); *Alexander v. Robertson*, 882 F.2d 421, 425 (9th Cir. 1989) (“The State
19 of California also makes it a misdemeanor for one to engage in the unauthorized practice
20 of law.”); Cal. Bus. & Prof. Code § 6126(a) (“Any person advertising or holding himself
21 or herself out as practicing or entitled to practice law or otherwise practicing law who is
22 not an active licensee of the State Bar, or otherwise authorized pursuant to statute or court
23 rule to practice law in this state at the time of doing so, is guilty of a misdemeanor...”).

24 **IV. MOTION TO PROCEED IN FORMA PAUPERIS**

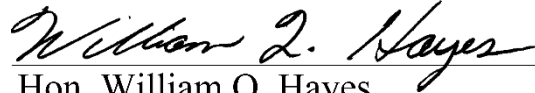
25 Plaintiff filed a Motion to Proceed In Forma Pauperis. (ECF No. 2.) Plaintiff
26 provides his own financial information. However, Plaintiff does not have standing to sue
27 based on the allegations in the Complaint regarding injury suffered to another person.
28 Accordingly, Plaintiff's Motion to Proceed In Forma Pauperis is denied without prejudice.

1 **V. CONCLUSION**

2 IT IS HEREBY ORDERED that the Motion to Proceed In Forma Pauperis (ECF No.
3 2) is denied without prejudice.

4 IT IS FURTHER ORDERED that the Complaint is dismissed without prejudice.
5 No later than **sixty (60) days** from the date of this Order, Plaintiff may file a first amended
6 complaint curing the defects in his original Complaint. An amended complaint must be
7 accompanied by payment of the filing fee or a renewed motion to proceed in forma
8 pauperis. If no amended complaint is filed or Plaintiff fails to pay the filing fee or file a
9 renewed motion to proceed in forma pauperis, the Court will direct the Clerk of Court to
10 close this case.

11 Dated: October 30, 2023


12 Hon. William Q. Hayes
13 United States District Court
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