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5 **UNITED STATES DISTRICT COURT**

6 EASTERN DISTRICT OF CALIFORNIA

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9 JEANLOUISE HALLAL,) Case No. 1:18-cv-0388-DAD-BAM
10 Plaintiff,)
11 v.) SCREENING ORDER GRANTING
12) PLAINTIFF LEAVE TO FILE AMENDED
13 SEROKA, FRANK BRIONES, TAM LE,) COMPLAINT
14 CURTIS BOUCHE, DEWALL, and STEVEN) (ECF No. 1)
15 MOORE,)
16 Defendants.)
17)
18)
19)
20)
21) **THIRTY (30) DAY DEADLINE**

22 **SCREENING ORDER**

23 Plaintiff JeanLouise Hallal (“Plaintiff”)¹ is proceeding pro se and in forma pauperis in this
24 civil action filed on March 22, 2018. (ECF No. 1.) Plaintiff’s Complaint is currently before the
25 Court for screening.

26 **I. Screening Requirement and Standard**

27 The Court is required to screen complaints brought by persons proceeding in pro per. 28
28 U.S.C. § 1915(e)(2). Plaintiff’s complaint, or any portion thereof, is subject to dismissal if it is

¹ Brentlan Brigner is listed along with JeanLouise as a Plaintiff in this action. However, Mr. Bringer did not sign the complaint and Plaintiff JeanLouise Hallal, as a pro se litigant, cannot represent others. See Fed. R. Civ. P 11 (“Every pleading, written motion, and other paper must be signed . . . by a party personally if the party is unrepresented.”); *Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664-65 (9th Cir. 2008) (Plaintiff proceeding pro se cannot represent others). Accordingly, this complaint proceeds with JeanLouise Hallal as the sole plaintiff.

1 frivolous or malicious, if it fails to state a claim upon which relief may be granted, or if it seeks
2 monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B)(ii).

3 A complaint must contain “a short and plain statement of the claim showing that the pleader
4 is entitled to relief. . . .” Fed. R. Civ. P. 8(a)(2). Detailed factual allegations are not required, but
5 “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory
6 statements, do not suffice.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937, 1949 (2009)
7 (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 127 S.Ct. 1955, 1964-65 (2007)). While
8 a plaintiff’s allegations are taken as true, courts “are not required to indulge unwarranted
9 inferences.” *Doe I v. Wal-Mart Stores, Inc.*, 572 F.3d 677, 681 (9th Cir. 2009) (internal quotation
10 marks and citation omitted).

11 Pro se litigants are entitled to have their pleadings liberally construed and to have any doubt
12 resolved in their favor, *Wilhelm v. Rotman*, 680 F.3d 1113, 1121-1123 (9th Cir. 2012), *Hebbe v.*
13 *Pliler*, 627 F.3d 338, 342 (9th Cir. 2010), but to survive screening, Plaintiff’s claims must be
14 facially plausible, which requires sufficient factual detail to allow the Court to reasonably infer
15 that each named defendant is liable for the misconduct alleged, *Iqbal*, 556 U.S. at 678, 129 S.Ct.
16 at 1949 (quotation marks omitted); *Moss v. United States Secret Service*, 572 F.3d 962, 969 (9th
17 Cir. 2009). The sheer possibility that a defendant acted unlawfully is not sufficient, and mere
18 consistency with liability falls short of satisfying the plausibility standard. *Iqbal*, 556 U.S. at 678,
19 129 S.Ct. at 1949; *Moss*, 572 F.3d at 969.

20 **II. Plaintiff’s Allegations**

21 Plaintiff brings this suit against the following parties: 1) Seroka, California Highway Patrol
22 (“CHP”) Officer Badge #19263, 2) Frank Briones, Department of Motor Vehicles (“DMV”)
23 employee, 3) Tam Le, Branch Chief of DMV, 4) Curtis Bouche, Lieutenant at Fresno City Police
24 Department, 5) DeWall, Sergeant at Fresno City Police Department, and 6) Steven Moore.

25 Plaintiff alleges that on September 29, 2017, she purchased an automobile from Defendant
26 Moore. During the transaction, Plaintiff alleges that Defendant Moore agreed to provide her a clean
27 title; free of any previous parking tickets. On November 1, 2017, Plaintiff also paid \$64.00 to
28 register her vehicle for exempt license plates with the Department of Motor Vehicles. Plaintiff

1 states that by paying the exemption fee, she understood that any remaining parking tickets
2 associated with the vehicle would be cancelled.

3 On February 26, 2018, Plaintiff received “a suspicious letter” from Defendant Frank
4 Briones concerning unpaid parking tickets of the previous owner, Defendant Moore. The letter
5 attached to Plaintiff’s complaint states that her application for exempt license plates was denied
6 because exempt license plates are only issued to vehicles owned or operated by the state, and her
7 “organization does not qualify for exempt license plates.” (Doc. 1 at 13).

8 Plaintiff alleges that she received another “suspicious letter” from the DMV on March 14,
9 2018. She claims the letter was undated, placed in a reused envelope, and requested bail fees.
10 According to Plaintiff, the DMV’s failure to honor her exempt status constitutes a breach of
11 contract.

12 As relief, Plaintiff requests \$299,000,000 in breach of contract and trespass damages for
13 threats, illegal stops, and “falsification of the state database.” (Doc. 1 at 8). Plaintiff further
14 requests that her information be removed from the state database because she has “permanent CA
15 exemption, and [she] is not bound by any laws or codes of the DMV.” (Doc. 1 at 8).

16 **III. Discussion**

17 **A. Claims Failing to Satisfy Federal Rule of Civil Procedure 8**

18 Rule 8 of the Federal Rules of Civil Procedure mandates that a complaint include a “short
19 and plain statement of the claim,” Fed. R. Civ. P. 8(a)(2), and that each allegation “be simple,
20 concise, and direct.” Fed. R. Civ. P. 8(d)(1) (emphasis added). A complaint that is so confusing
21 that its “true substance, if any, is well disguised” may be dismissed for failure to satisfy Rule 8.
22 *Hearns v. San Bernardino Police Dep’t*, 530 F.3d 1124, 1131 (9th Cir. 2008) (quoting *Gillibeau*
23 *v. City of Richmond*, 417 F.2d 426, 431 (9th Cir. 1969)); see also *McHenry v. Renne*, 84 F.3d 1172,
24 1180 (9th Cir. 1996) (“Something labeled a complaint but written . . . prolix in evidentiary detail,
25 yet without simplicity, conciseness and clarity as to whom plaintiffs are suing for what wrongs,
26 fails to perform the essential functions of a complaint.”); *Nevijel v. N. Coast Life Ins. Co.*, 651
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1 F.2d 671, 673-74 (9th Cir. 1981) (affirming a dismissal with prejudice for failure to comply with
2 Rules 8(a) and 8(e), finding that both the original complaint and an amended complaint were
3 “verbose, confusing and conclusory”).

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5 Plaintiff’s Complaint does not comply with the standards of Rule 8. It is confusing,
6 convoluted, and fails to set forth the facts in a comprehensible manner. The Complaint fails to
7 clearly articulate the facts giving rise to any claim nor does it specifically identify a constitutional
8 harm inflicted by the Defendant. In Plaintiff’s amended complaint, she must clearly allege facts
9 that outline her claims. As noted above, a complaint must contain “a short and plain statement of
10 the claim showing that the pleader is entitled to relief” Fed. R. Civ. P. 8(a)(2). Detailed
11 factual allegations are not required, but “[t]hreadbare recitals of the elements of a cause of action,
12 supported by mere conclusory statements, do not suffice.” *Ashcroft v. Iqbal*, 129 S.Ct. at 1949
13 (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. at 555. Plaintiff must set forth “sufficient factual
14 matter, accepted as true, to ‘state a claim that is plausible on its face.’” *Ashcroft v. Iqbal*, 129 S.Ct.
15 at 1949.

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17 **B. Rule 10(b)**

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19 Rule 10(b) of the Federal Rules of Civil Procedure also requires a plaintiff to state claims
20 in “numbered paragraphs, each limited as far as practicable to a single set of circumstances.” Fed.
21 R. Civ. P. 10(b). Moreover, “[i]f doing so would promote clarity, each claim founded on a separate
22 transaction or occurrence . . . must be stated in a separate count.” Fed. R. Civ. P. 10(b). It is not
23 the responsibility of the Court to review a narrative in an attempt to determine the nature of a
24 Plaintiff’s claims. Thus, Plaintiff’s complaint style and formatting fails to comply with Rule 10(b).

25 **C. Linkage Requirement**

26 Assuming for the moment that Plaintiff is attempting to allege claims under §1983, most
27 of Plaintiff’s allegations fail to assert the requisite causal link between the challenged conduct, a
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1 specific defendant, and a clearly identified constitutional violation. Under § 1983, Plaintiff must
2 demonstrate that each named defendant personally participated in the deprivation of his rights.
3 *Ashcroft*, 556 U.S. at 676–7; *Ewing v. City of Stockton*, 588 F.3d 1218, 1235 (9th Cir. 2009); *Jones*
4 *v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002). Plaintiff may not attribute liability to a group of
5 defendants, but must “set forth specific facts as to each individual defendant’s” deprivation of his
6 rights. *Leer v. Murphy*, 844 F.2d 628, 634 (9th Cir. 1988); *see also Taylor v. List*, 880 F.2d 1040,
7 1045 (9th Cir. 1989).

8 Here, Plaintiff fails to link each of the defendants to the deprivation of her rights. Plaintiff
9 claims that Defendant Moore failed to pay his parking tickets on the car before she bought it and
10 Defendant Briones threatened to confiscate her automobile. However, Plaintiff fails to specify the
11 conduct of the other defendants aside from the generalized activity she attributes to them. Plaintiff
12 asserts that she is entitled to trespass damages from the other defendants due to the threats of bodily
13 harm, falsification, and illegal stops, yet she fails to specify the conduct underlying her allegations.
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15 Plaintiff must instead link each individually named defendant to an alleged deprivation of
16 her rights and state what he did or did not do. If Plaintiff chooses to amend, she should link each
17 of the defendants’ actions to a constitutional violation to satisfy the linkage requirement.

18 **D. Contesting Parking Tickets in California**

19 California law considers parking violations as civil offenses subject to civil penalties and
20 administrative enforcement. California Vehicle Code §§ 40200, 40203.5(b). The statutory scheme
21 sets forth a two-step process for contesting a parking ticket. First, within 21 days of the issuance
22 of the ticket the person may request review by the processing agency. California Vehicle Code §
23 40215(a). The processing agency must then conduct an investigation, either with its own staff or
24 by the issuing agency. California Vehicle Code §§ 40215(a)(1).) If the person is not satisfied with
25 the results of this initial review, he or she may then request “administrative review,” consisting of
26 a hearing before an examiner. California Vehicle Code § 40215(a). The request for administrative
27 review must be made within 21 days following the mailing of the results of the initial review.
28 California Vehicle Code § 40215(b). The person requesting an administrative hearing shall deposit

1 the full amount of the parking penalty or shall follow the processing agency's procedure for
2 providing satisfactory proof of an inability to pay the amount due. California Vehicle Code §
3 40215(b). After exhausting this administrative review process, the contestant may obtain judicial
4 review of the decision of the hearing examiner by filing an appeal in the superior court. California
5 Vehicle Code § 40230.

6 If the parking violator does not contest the parking ticket and does not pay the parking
7 penalty, the processing agency may notify the Department of Motor Vehicles (DMV), and the
8 DMV must then collect the unpaid penalties when the vehicle's registration is renewed. California
9 Vehicle Code § 4760; 40220(a). In the alternative, if the violator has accumulated more than \$400
10 in unpaid parking tickets, or if the vehicle's registration is not renewed, then proof of the unpaid
11 parking tickets may be filed with the court with the same effect as a civil judgment. California
12 Vehicle Code § 40220(b) & (c).

13 Here, Plaintiff claims that Defendant Moore failed to pay his parking tickets before selling
14 the vehicle. If Plaintiff wishes to contest these unpaid tickets, Plaintiff can challenge them through
15 the process described above and not in federal court.

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17 **E. Eleventh Amendment**

18 "The Eleventh Amendment prohibits federal courts from hearing suits brought against an
19 unconsenting state." *Brooks v. Sulphur Springs Valley Elec. Co.*, 951 F.2d 1050, 1053 (9th
20 Cir.1991); *see also Seminole Tribe of Fla. v. Florida*, 517 U.S. 44, 54, 116 S.Ct. 1114 (1996);
21 *Puerto Rico Aqueduct Sewer Auth. v. Metcalf & Eddy, Inc.*, 506 U.S. 139, 144, 113 S.Ct. 684
22 (1993); *Tennessee v. Lane*, 541 U.S. 509, 517 (2004). The Eleventh Amendment also bars suits
23 against a state's agencies. *See Puerto Rico Aqueduct*, 506 U.S. at 144; *Brooks*, 951 F.2d at 1053;
24 *Mitchell v. Los Angeles Community College Dist.*, 861 F.2d 198, 201 (9th Cir. 1989); *Beentjes v.*
25 *Placer Cnty. Air Pollution Control Dist.*, 397 F.3d 775, 777 (9th Cir. 2005). Here, to the extent
26 that Plaintiff seeks to sue the DMV or its employees in their official capacities, her suit is
27 prohibited by the Eleventh Amendment which bars federal lawsuits brought against state agencies
28 and their employees sued in their official capacities.

1 **F. Fourth Amendment**

2 The Fourth Amendment, which applies to the states through the Fourteenth Amendment,
3 protects against unreasonable searches and seizures by law enforcement officers. *Mapp v. Ohio*,
4 367 U.S. 643, 655, 81 S.Ct. 1684, 6 L.Ed.2d 1081 (1961). Temporary detention of individuals
5 during the stop of an automobile by the police, even if only for a brief period and for a limited
6 purpose, constitutes a “seizure” within the meaning of this provision. *See Delaware v. Prouse*, 440
7 U.S. 648, 653, 99 S.Ct. 1391, 59 L.Ed.2d 660 (1979). As a general matter, the decision to stop an
8 automobile is reasonable where the police have probable cause or reasonable suspicion to believe
9 that a traffic violation has occurred. *See Pennsylvania v. Mimms*, 434 U.S. 106, 109, 98 S.Ct. 330,
10 54 L.Ed.2d 331 (1977) (per curiam); *Haynie v. County of Los Angeles*, 339 F.3d 1071, 1075 (9th
11 Cir. 2003).

12 Here, Plaintiff fails to assert a violation of her Fourth Amendment rights. Plaintiff claims
13 she was subjected to illegal stops, but she fails to provide details surrounding those stops. As stated
14 above, Plaintiff has failed to link any defendant to any stop. If Plaintiff wishes to amend her
15 complaint, she must assert that her Fourth Amendment rights have been violated and include facts
16 surrounding those illegal stops that demonstrate that the officers did not have probable cause or
17 reasonable suspicion to seize her.

18 **G. Bane Act (California Civil Code § 52.1)**

19 California law prohibits any person or persons from interfering, or attempting to interfere
20 with, another person’s constitutional rights by threats, intimidation, or coercion. Cal. Civil Code §
21 52.1; *see also Venegas v. Cnty. of Los Angeles*, 32 Cal. 4th 820, 843 (2004) (the provisions of §
22 52.1 do not extend to “ordinary tort actions” but “are limited to threats, intimidation or coercion
23 that interfere with a constitutional or statutory right”). Plaintiff alleges that Defendants Seroka,
24 Briones, Le, Bouche, and DeWall interfered with or attempted to interfere with Plaintiff’s
25 constitutional rights by threatening or committing violent acts against her. Plaintiff asserts that
26 Defendants Briones and Le threatened to take her car away because the exemption plates had been
27 revoked. Furthermore, Plaintiff claims that the Defendant officers threatened her as well. However,
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1 Plaintiff fails to provide any facts or details pertaining to the threats from the other defendants,
2 aside from the assertion that they made threats against her. Because the complaint alleges no facts
3 supporting a conclusion that these Defendants threatened violence or committed violence against
4 Plaintiff in violation of constitutional rights, this claim is not cognizable.

5 **H. Subject Matter Jurisdiction**

6 In order to state a claim in a United States District Court, Plaintiff must establish federal
7 jurisdiction. Federal courts are courts of limited jurisdiction and lack inherent or general subject
8 matter jurisdiction. Federal courts can adjudicate only those cases in which the United States
9 Constitution and Congress authorize them to adjudicate. *Kokkonen v. Guardian Life Ins. Co.*, 511
10 U.S. 375, 114 S.Ct. 1673, 1677, 128 L. Ed. 2d 391 (1994). Generally, these cases involve diversity
11 of citizenship (in which the matter in controversy exceeds the sum or value of \$75,000 and is
12 between citizens of different states), or a federal question, or to which the United States is a party.
13 28 U.S.C. §§ 1331 and 1332; *See also* *Finley v. United States*, 490 U.S. 545, 109 S.Ct. 2003, 2008,
14 104 L. Ed. 2d 593 (1989).

15 Federal courts are presumptively without jurisdiction over civil actions, and the burden to
16 establish the contrary rests upon the party asserting jurisdiction. *Kokkonen*, 511 U.S. at 377; 114
17 S.Ct. at 1677. Lack of subject matter jurisdiction is never waived and may be raised by the court
18 sua sponte. *Attorneys Trust v. Videotape Computer Products, Inc.*, 93 F.3d 593, 594-595 (9th Cir.
19 1996). “Nothing is to be more jealously guarded by a court than its jurisdiction. Jurisdiction is
20 what its power rests upon. Without jurisdiction it is nothing.” *In re Mooney*, 841 F.2d 1003, 1006
21 (9th Cir.1988).

22 Here, as explained above, Plaintiff has failed to demonstrate the existence of a link or
23 casual connection between any defendant and a violation of Plaintiff’s federal rights. *See Lemire*
24 *v. California Dep’t of Corr. and Rehab.*, 726 F.3d 1062, 1074-75 (9th Cir. 2013). Plaintiff’s
25 complaint therefore fails to establish that federal jurisdiction exists as the United States is not a
26 party in this action and no federal question has been properly presented. Similarly, the complaint
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1 does not allege that the parties are citizens of different states which deprives Plaintiff's complaint
2 of diversity jurisdiction.

3 If Plaintiff chooses to amend her complaint she must demonstrate that this Court has
4 jurisdiction over her claims.

5 **I. State Law Claims**

6 Section 1983 does not provide a cause of action for violations of state law. *See Weilburg*
7 *v. Shapiro*, 488 F.3d 1202, 1207 (9th Cir. 2007); *Galen v. County of Los Angeles*, 477 F.3d 652,
8 662 (9th Cir.2007); *Ove v. Gwinn*, 264 F.3d 817, 824 (9th Cir.2001); *Sweaney v. Ada County,*
9 *Idaho*, 119 F.3d 1385, 1391 (9th Cir.1997); *Lovell v. Poway Unified School Dist.*, 90 F.3d 367,
10 370 (9th Cir.1996); *Draper v. Coombs*, 792 F.2d 915, 921 (9th Cir.1986); *Ybarra v. Bastian*, 647
11 F.2d 891, 892 (9th Cir.), cert. denied, 454 U.S. 857, 102 S.Ct. 309, 70 L.Ed.2d 153 (1981).
12 Pursuant to 28 U.S.C. § 1367(a), however, in any civil action in which the district court has original
13 jurisdiction, the district court “shall have supplemental jurisdiction over all other claims in the
14 action within such original jurisdiction that they form part of the same case or controversy under
15 Article III,” except as provided in subsections (b) and (c).

16 “[O]nce judicial power exists under § 1367(a), retention of supplemental jurisdiction over
17 state law claims under 1367(c) is discretionary.” *Acri v. Varian Assoc., Inc.*, 114 F.3d 999, 1000
18 (9th Cir.1997). “The district court may decline to exercise supplemental jurisdiction over a claim
19 under subsection (a) if ... the district court has dismissed all claims over which it has original
20 jurisdiction.” 28 U.S.C. § 1367(c)(3). The Supreme Court has cautioned that “if the federal claims
21 are dismissed before trial ... the state claims should be dismissed as well.” *United Mine Workers*
22 *of Amer.*, 383 U.S. at 726. Accordingly, unless the complaint states a cognizable federal cause of
23 action, this Court should not exercise jurisdiction over Plaintiff's state claims.

24 Plaintiff's complaint attempts to raise state law breach of contract claims. Plaintiff alleges
25 that she entered into an agreement with the DMV and Defendant Moore that would preclude her
26 from liability for any unpaid parking tickets. Plaintiff also paid \$64.00 to receive state of
27 California exempt license plates. In Plaintiff's view, the failure of the DMV and Defendant Moore
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1 to fulfill their promises amounts to breach of contract.

2 However, state law tort, negligence, or breach of contract claims do not confer federal
3 subject matter jurisdiction. *See Galen v. County of Los Angeles*, 477 F.3d 652, 662 (9th Cir. 2007)
4 (“Section 1983 requires [plaintiff] to demonstrate a violation of federal law, not state law.”). The
5 Court may exercise supplemental jurisdiction over state law claims in any civil action in which it
6 has original jurisdiction, if the state law claims form part of the same case or controversy. 28
7 U.S.C. § 1367(a). “The district courts may decline to exercise supplemental jurisdiction over a
8 claim under subsection (a) if ... the district court has dismissed all claims over which it has original
9 jurisdiction.” 28 U.S.C. § 1367(c)(3). In the absence of a cognizable federal claim, this court
10 should not exercise supplemental jurisdiction over plaintiff’s putative state law claims. *Ove v.*
11 *Gwinn*, 264 F.3d 817, 826 (9th Cir. 2001) (district court has discretion to decline to exercise
12 supplemental jurisdiction over state law claims upon dismissal of all claims over which it has
13 original jurisdiction).

14 Here, because Plaintiff has not yet alleged a cognizable federal claim, the Court will not
15 exercise supplemental jurisdiction over Plaintiff’s state law claims.

16 **IV. Conclusion & Order**

17 Plaintiff’s complaint fails to state a claim upon which relief may be granted. However, the
18 Court will provide Plaintiff with the opportunity to file an amended complaint to cure the identified
19 deficiencies. *Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000). Plaintiff may not change the
20 nature of this suit by adding new, unrelated claims in his amended complaint. *George v. Smith*,
21 507 F.3d 605, 607 (7th Cir. 2007) (no “buckshot” complaints).

22 Plaintiff’s amended complaint should be brief, but it must state what the named defendant
23 did that led to the deprivation of Plaintiff’s constitutional rights, *Iqbal*, 556 U.S. at 678-79, 129
24 S.Ct. at 1948-49. Although accepted as true, the “[f]actual allegations must be [sufficient] to raise
25 a right to relief above the speculative level. . . .” *Twombly*, 550 U.S. at 555 (citations omitted).

26 Finally, Plaintiff is advised that an amended complaint supersedes the original complaint.
27 *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 927 (9th Cir. 2012) (en banc). Therefore, Plaintiff’s first
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1 amended complaint must be “complete in itself without reference to the prior or superseded
2 pleading.” Local Rule 220.

3 Accordingly, it is HEREBY ORDERED that:

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- 5 1. Within thirty (30) days from the date of service of this order, Plaintiff shall file an
6 amended complaint curing the deficiencies identified by the Court in this order (or
7 file a notice of voluntary dismissal); and
 - 8 2. If Plaintiff fails to file an amended complaint in compliance with this order, the
9 Court will recommend dismissal of this action, with prejudice, for failure to obey a
10 court order and for failure to state a claim.

11 IT IS SO ORDERED.

12 Dated: July 19, 2018

13 /s/ Barbara A. McAuliffe
14 UNITED STATES MAGISTRATE JUDGE