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

CANDACE SMITH,)	Case No.: 1:24-cv-0476 JLT EPG
Plaintiff,)	
v.)	ORDER ADOPTING IN FULL THE FINDINGS AND RECOMMENDATIONS, DISMISSING THE
KATHY DAVIS,)	ACTION, AND DIRECTING THE CLERK OF COURT TO CLOSE THE CASE
Defendant.)	(Doc. 9)
)	

Candace Smith seeks to hold Kathy Davis, her aunt, liable for several criminal acts including— but not limited to— stalking, harassment, corrupting another with drugs, revenge pornography, child abuse, false imprisonment, and theft in violation of criminal laws. (*See generally* Doc. 8.) Because Plaintiff is proceeding *in forma pauperis*, the magistrate judge screened Plaintiff’s amended complaint pursuant to 28 U.S.C. § 1915(e)(2). (Doc. 9.)

The magistrate judge observed that Plaintiff does not allege Defendant “is a citizen of a different state than Plaintiff,” and the allegations support a conclusion that Defendant “is not diverse from Plaintiff because the FAC alleges that Davis’s conduct, including the theft of items from Plaintiff’s home in California, has been ongoing for over 30 years.” (Doc. 9 at 5.) In addition, the magistrate judge determined Plaintiff “fails to state facts to support jurisdiction based on the presence of a federal question.” (*Id.*) The magistrate judge observed that except for “one reference to a violation of domestic terrorism act,” Plaintiff “exclusively lists violations of the California Penal Code.” (*Id.*,

1 modifications adopted.) To the extent Plaintiff sought to state a claim for domestic terrorism, the
2 magistrate judge found no allegations to support such a violation. (*Id.*) Therefore, the magistrate judge
3 concluded the Court lacks jurisdiction, and recommended the Court dismiss the action for lack of
4 jurisdiction. (*Id.* at 6.)

5 The Court served the Findings and Recommendations on Plaintiff at the only address on record
6 and notified her that any objections were due within 21 days. (Doc. 9 at 6.) However, the U.S. Postal
7 Service returned the Findings and Recommendations as “Undeliverable, RTS, Unable to Forward.” To
8 date, Plaintiff has not filed a notice of change of address. Nevertheless, service upon Plaintiff is
9 deemed fully effective. *See* Local Rule 182(f) (“Each ... pro se party is under a continuing duty to
10 notify the Clerk and all other parties of any change of address or telephone number of the attorney or
11 the pro se party. Absent such notice, service of documents at the prior address of the attorney or pro se
12 party shall be fully effective.”)

13 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
14 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are
15 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 16 1. The Findings and Recommendations dated November 25, 2024 (Doc. 9) are
17 **ADOPTED** in full.
- 18 2. Plaintiff’s complaint is **DISMISSED** for lack of jurisdiction.
- 19 3. The Clerk of Court is directed to close this case.

20
21 IT IS SO ORDERED.

22 Dated: January 7, 2025


UNITED STATES DISTRICT JUDGE