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

TIMOTHY C. LUTON,

No. 2:17-CV-1057-KJM-CMK

Plaintiff,

vs.

ORDER

JAMS, et al.,

Defendants.

_____ /

Plaintiff, who is proceeding pro se, brings this civil action. Pending before the court is plaintiff's complaint (Doc. 1).

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). The court is also required to screen complaints brought by litigants who have been granted leave to proceed in forma pauperis. See 28 U.S.C. § 1915(e)(2). Under these screening provisions, the court must dismiss a complaint or portion thereof if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief can be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. See 28 U.S.C. §§ 1915(e)(2)(A), (B) and 1915A(b)(1), (2). Moreover, pursuant to Federal Rule of Civil Procedure 12(h)(3), this court

1 must dismiss an action if the court determines that it lacks subject matter jurisdiction. Because
2 plaintiff, who is not a prisoner, has been granted leave to proceed in forma pauperis, the court
3 will screen the complaint pursuant to § 1915(e)(2). Pursuant to Rule 12(h)(3), the court will also
4 consider as a threshold matter whether it has subject-matter jurisdiction.

5 Plaintiff names the following as defendants: (1) “JAMS Alternative Dispute
6 Resolution,” and (2) Fred K. Morrison, the arbitrator. Plaintiff’s claim in its entirety is as
7 follows:

8 I was turned into Chexsystems. It affected the outcome of a loan.
9 While the original suit was under way, U.S. Bank removed me from
10 Chexsystems resulting in an admission by all standards of evidence. My
11 focus on providing evidence that Chexsystems had the ability to affect my
12 credit rating was established as well, other typed of direct influence on
13 credit.

14 Parts of the whole proceeding were on the measure of bias; the
15 defendant(s) never answered any of my claims with any denial and missed
16 one of the phone conferences. No options were presented. If those actions
17 had consequences, sanctions, I never knew it.

18 A call to Ms. Donovan had her lying to the Arbitrator, as to, does
19 the agreement require clients to lock up their checks. The Arbitrator had
20 just read it, it does not. Ms. Donovan answered yes. The lie is also stated
21 on the denial from the Fraud Liaison Unit.

22 The Arbitrator raises his head in my direction, points his pen and
23 states, “I’ll have you a settlement letter in a month.”

24 While plaintiff alleges that this action raises a federal question, plaintiff has not
25 identified any federal issue as against either of the named defendants. Plaintiff will be provided
26 an opportunity to amend the complaint to allege facts supporting a federal claim against either
27 defendant. Plaintiff is cautioned that failure to file an amended complaint within the time
28 provided may result in dismissal of the entire action for failure to comply with court rules and
29 orders. See Local Rule 110.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's complaint is dismissed with leave to amend; and
2. Plaintiff shall file a first amended complaint within 30 days of the date of

this order.

DATED: September 19, 2017



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE