

1 county superior court or its employees are barred by the Eleventh Amendment. See Simmons v.
2 Sacramento County Superior Court, 318 F.3d 1156, 1161 (9th Cir. 2003). Plaintiff was further
3 advised the doctrine of Heck v. Humphrey bars any claim that would imply the invalidity of his
4 prior conviction. 512 U.S. 477 (1994). Out of caution, plaintiff was granted leave to file a first
5 amended complaint. Plaintiff has filed a first amended complaint.

6 **II. PLEADING STANDARDS**

7 Federal Rule of Civil Procedure 8(a)(2) requires a short and plain statement of a claim or
8 claims that shows the pleader is entitled to relief. Although the Federal Rules adopt a flexible
9 pleading policy, a complaint must give fair notice and state the elements of a claim plainly and
10 succinctly. Jones v. Community Redev. Agency, 733 F.2d 646, 649 (9th Cir. 1984).

11 When considering whether a complaint states a claim upon which relief can be granted,
12 the court accepts the factual allegations as true and construes the complaint in the light most
13 favorable to the plaintiff. See Erickson v. Pardus, 551 U.S. 89, 94 (2007); Scheuer v. Rhodes, 416
14 U.S. 232, 236 (1974). To avoid dismissal for failure to state a claim, a complaint must contain
15 more than “naked assertions,” “labels and conclusions” or “a formulaic recitation of the elements
16 of a cause of action.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555–57 (2007). “Threadbare
17 recitals of the elements of a cause of action, supported by mere conclusory statements do not
18 suffice.” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). A claim upon which the court can grant
19 relief has facial plausibility. Twombly, 550 U.S. at 570. “A claim has facial plausibility when the
20 plaintiff pleads factual content that allows the court to draw the reasonable inference that the
21 defendant is liable for the misconduct alleged.” Iqbal, 556 U.S. at 678.

22 **III. SCREENING THE FIRST AMENDED COMPLAINT**

23 The first amended complaint does not list any defendants. The words “double
24 prosecution” appear in lieu of any named defendants. The first amended complaint states plaintiff
25 is not suing the government. The first amended complaint states plaintiff “is asking for salary
26 wage for being in service as a working citizen within United States of America Judicial System.”
27 The first amended complaint cites the Thirteenth Amendment and alleges “no slavery provides a
28 right to a salary.” In addition, the first amended complaint states plaintiff seeks a “court order

1 judgment of interest affirmed” and a “money judgment settlement affirmed.” (ECF No. 4 at 2.)

2 The court liberally construes plaintiff’s pro se pleading. See Eldridge v. Block, 832 F.2d
3 1132, 1137 (9th Cir. 1987) (citing Boag v. MacDougall, 454 U.S. 364, 365 (1982) (per curiam)).
4 Liberally construed, the first amended complaint does not state a cause of action and does not
5 appear to include any factual content that could support a valid cause of action with amendment
6 to add additional facts. Plaintiff cannot proceed against the San Joaquin County Superior Court
7 and the first amended complaint fails to name any defendants.

8 This is not the first civil action filed in this court in which plaintiff Ivan Valdez seeks
9 compensation based on vague or conclusory allegations of double prosecution and/or slavery. For
10 example, in Valdez v. State of California, No. 2:20-cv-1144-JAM-DB-PS, the court dismissed
11 without leave to amend plaintiff’s complaint alleging he was arrested in 1998 and subjected to
12 double prosecution. See Id., 2020 WL 6270636, at *2 (E.D. Cal. Oct. 26, 2020) (recommending
13 dismissal without leave to amend because plaintiff had unsuccessfully brought the same “double
14 prosecution” claim previously); see also Valdez v. Superior Ct. of California, No. 2:20-cv-1406-
15 JAM-EFB-PS, 2020 WL 4547183, at *1 (E.D. Cal. Aug. 6, 2020) (recommending dismissal of
16 complaint in which plaintiff alleged he was denied “just compensation” and subjected to “double
17 prosecution”); Valdez v. California Cts., No. 2:19-cv-0174-MCE-DB-PS, 2019 WL 5290875, at
18 *2 (E.D. Cal. Oct. 18, 2019) (finding plaintiff’s allegations to be delusional and frivolous in that
19 he alleged “slavery” and being forced “to work. . . in use of defense attorney in front of a Judge
20 California Court system”).

21 The first amended complaint fails to state a cognizable claim and fails to name any
22 defendants and, accordingly, must be dismissed. See McHenry v. Renne, 84 F.3d 1172, 1178-80
23 (9th Cir. 1996) (affirming dismissal of complaint where “one cannot determine from the
24 complaint who is being sued, for what relief, and on what theory”). Although the Federal Rules of
25 Civil Procedure favor liberal amendment, valid reasons for denying leave to amend include undue
26 delay, bad faith, prejudice, and futility. California Architectural Bldg. Prod. v. Franciscan
27 Ceramics, 818 F.2d 1466, 1472 (9th Cir. 1988); see also Klamath-Lake Pharm. Ass’n v. Klamath
28 Med. Serv. Bureau, 701 F.2d 1276, 1293 (9th Cir. 1983) (holding that while leave to amend shall

1 be freely given, the court does not have to allow futile amendments). Given the defects noted
2 herein, the undersigned finds granting plaintiff further leave to amend in this case would be futile.

3 In accordance with the above, IT IS RECOMMENDED:

- 4 1. Plaintiff's first amended complaint (ECF No. 4) be dismissed without leave to amend
5 for failure to state a cognizable claim for relief; and
- 6 2. The Clerk's Office be directed to close this case.

7 These findings and recommendations are submitted to the United States District Judge
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
9 after being served with these findings and recommendations, plaintiff may file written objections
10 with the court and serve a copy on all parties. Such a document should be captioned
11 "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that
12 failure to file objections within the specified time may waive the right to appeal the District
13 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

14 Dated: June 10, 2021



15 CAROLYN K. DELANEY
16 UNITED STATES MAGISTRATE JUDGE

17
18 8.Valdez.21cv615.screen.fac
19
20
21
22
23
24
25
26
27
28