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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TAIFUSIN CHIU,  
  
Plaintiff,  
  
v.  
  
IU MIEN CHURCH, et al., et al.,  
  
Defendants.

No. 2:23-cv-02215-KJM-CKD (PS)

FINDINGS AND RECOMMENDATIONS

Proceeding pro se,<sup>1</sup> plaintiff initiated this action on October 4, 2023, by filing a document which was construed as plaintiff’s civil complaint. (ECF No. 1.) By order filed on October 31, 2023, the undersigned screened the complaint pursuant to 28 U.S.C. § 1915(e) and determined it was subject to dismissal for failure to establish the court’s jurisdiction and failure to state a cognizable claim for relief. (ECF No. 9.) Plaintiff was advised of the deficiencies in the complaint and granted 30 days to file an amended complaint. (Id.) The time granted for plaintiff to file an amended complaint has expired. Plaintiff has filed a document titled “Medal of Honor versus Purple Heart” (ECF No. 10), which the undersigned construes as the amended complaint. Subsequently, plaintiff filed two other untitled documents. (ECF Nos. 12, 13.)

<sup>1</sup> Because plaintiff proceeds pro se, this matter is referred to the undersigned by Local Rule 302(c)(21) pursuant to 28 U.S.C. § 636(b).

1 The amended complaint names Iu Mien Church, The President of the United States, and  
2 Donald Trump as defendants. (See generally, ECF No. 10.) Like the original complaint, the  
3 amended complaint does not satisfy Rule 8 of the Federal Rules of Civil Procedure, which  
4 requires that a complaint set forth the following:

5 (1) a short and plain statement of the grounds for the court’s  
6 jurisdiction, unless the court already has jurisdiction and the claim  
needs no new jurisdictional support;

7 (2) a short and plain statement of the claim showing that the pleader  
8 is entitled to relief; and

9 (3) a demand for the relief sought, which may include relief in the  
alternative or different types of relief.

10 Fed. R. Civ. P. 8(a).

11 The amended complaint does not contain discernable factual allegations in support of a  
12 cause of action and does not clearly specify the relief plaintiff seeks. The amended complaint also  
13 fails to establish the court’s subject matter jurisdiction over an actual case or controversy and  
14 must be dismissed on that basis. See Arbaugh v. Y & H Corp., 546 U.S. 500, 514 (2006); Fed. R.  
15 Civ. P. 12(h)(3).

16 A pro se litigant is entitled to notice of the deficiencies in the complaint and an  
17 opportunity to amend unless the complaint’s deficiencies cannot be cured by amendment. See  
18 Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987). “A district court may deny leave to amend  
19 when amendment would be futile.” Hartmann v. CDCR, 707 F.3d 1114, 1130 (9th Cir. 2013). In  
20 this case, plaintiff has received notice of the deficiencies in the original complaint and an  
21 opportunity to amend. It does not appear plaintiff attempted to comply with Rule 8 of the Federal  
22 Rules of Civil procedure, or the court’s prior screening order, in filing the amended complaint. It  
23 now plainly appears that plaintiff is unable to allege facts to state a cognizable claim. Thus,  
24 granting further leave to amend would be futile.

25 Based on the foregoing, IT IS HEREBY RECOMMENDED as follows:

- 26 1. This action be dismissed for failure to state a claim; and  
27 2. The Clerk of the Court be directed to close this case.

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These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: December 20, 2023

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

<sup>8</sup>  
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