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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLESETTA MOORE. SR., et al.,  
  
Plaintiff,  
  
v.  
  
C.F.Y. DEVELOPMENT INC., et al.,  
  
Defendants.

No. 2:25-cv-0034-DAD-CKD (PS)

ORDER

This action was referred to the undersigned pursuant to Local Rule 302(c)(21). See 28 U.S.C. § 636(b)(1). A pro se complaint filed by plaintiff Charlesetta Moore (ECF No. 1) is before the court for screening. Plaintiff Moore also filed an application in support of a request to proceed in forma pauperis. (ECF Nos. 2.) Plaintiff Moore’s application makes the showing required by 28 U.S.C. § 1915. The court grants plaintiff Moore leave to proceed in forma pauperis (“IFP”).<sup>1</sup>

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<sup>1</sup> The complaint also lists Elizabeth McDaniels as a second plaintiff. However, McDaniels neither signed the complaint nor submitted an application to proceed in forma pauperis. Rule 11 of the Federal Rules of Civil Procedure requires that “[e]very pleading, written motion, and other paper ... be signed by ... a party personally if the party is unrepresented.” Fed. R. Civ. P. 11(a). In addition, “[w]here there are multiple plaintiffs in a single action, the plaintiffs may not proceed in forma pauperis unless all of them demonstrate inability to pay the filing fee.” Darden v. Indymac Bancorp, Inc., No. CIV S-09-2970 JAM DAD, 2009 WL 5206637, at \*1 (E.D. Cal. Dec. 23, 2009). Accordingly, for both plaintiffs to proceed in this case, the following must occur: (1) both plaintiffs must sign an amended complaint and (2) either the filing fee must be paid or plaintiff McDaniels must also submit an application to proceed IFP and be granted leave to proceed IFP.

1           **I.       Screening Requirement**

2           Pursuant to 28 U.S.C. § 1915(e), the court must screen every in forma pauperis  
3 proceeding, and must order dismissal of the case if it is “frivolous or malicious,” “fails to state a  
4 claim on which relief may be granted,” or “seeks monetary relief against a defendant who is  
5 immune from such relief.” 28 U.S.C. § 1915(e)(2)(B); Lopez v. Smith, 203 F.3d 1122, 1126-27  
6 (2000). In reviewing a complaint under this standard, the court accepts as true the factual  
7 allegations contained in the complaint, unless they are clearly baseless or fanciful, and construes  
8 those allegations in the light most favorable to the plaintiff. See Neitzke v. Williams, 490 U.S.  
9 319, 327 (1989); Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th  
10 Cir. 2010), cert. denied, 564 U.S. 1037 (2011).

11           Pro se pleadings are held to a less stringent standard than those drafted by lawyers. Haines  
12 v. Kerner, 404 U.S. 519, 520 (1972). However, the court need not accept as true conclusory  
13 allegations, unreasonable inferences, or unwarranted deductions of fact. Western Mining Council  
14 v. Watt, 643 F.2d 618, 624 (9th Cir. 1981). A formulaic recitation of the elements of a cause of  
15 action does not suffice to state a claim. Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); Bell Atlantic  
16 Corp. v. Twombly, 550 U.S. 544, 555-57 (2007). To state a claim, the plaintiff must allege  
17 enough facts for the court to draw the reasonable inference that the defendant is liable for the  
18 misconduct alleged. See Iqbal, 556 U.S. at 678; Twombly, 550 U.S. at 570.

19           **II.       Plaintiff Moore’s Allegations**

20           Plaintiff brings this action against C.F.Y. Development Inc., Cyrus Youssefi, Linda  
21 Rowland, Raisa Cruz, and Katherine Seymour. (ECF No. 1 at 2-3.) Plaintiff suffered “violations,  
22 unlawful actions, discrimination, IIED, ... harassment[,]” fear for life, negligence, and breach of  
23 lease and contract while living at Galt Place Senior Apartments from November 2021 to February  
24 2024 (Id. at 5 & 7.) Plaintiff left the unit clean and did not receive the full deposit back. (Id. at 7.)

25           **III.       The Complaint Must be Dismissed**

26           Plaintiff’s complaint does not contain a short and plain statement of a claim as required by  
27 Fed. R. Civ. P. 8(a)(2). The complaint does not contain factual allegations describing the specific  
28 actions or omissions that any defendant took relating to plaintiff’s claims. The court is unable to

1 discern what causes of action plaintiff intends to bring against whom or what factual allegations  
2 support those causes of action. Although the Federal Rules adopt a flexible pleading policy, even  
3 a pro se litigant’s complaint must give fair notice and state the elements of a claim plainly and  
4 succinctly. Jones v. Community Redev. Agency, 733 F.2d 646, 649 (9th Cir. 1984).

5 The complaint also fails to state a claim. “[N]aked assertions,” “labels and conclusions” or  
6 “a formulaic recitation of the elements of a cause of action” do not suffice to state a claim.  
7 Twombly, 550 U.S. at 555-57 (2007); see also Iqbal, 556 U.S. at 678. In other words, for  
8 example, plaintiff cannot state a claim based on discrimination or negligence merely by alleging  
9 discrimination or negligence occurred. Instead, plaintiff must set forth the factual allegations on  
10 which any such claim is based (i.e., who did what, when, and where).

11 The court also notes plaintiff attached to the complaint approximately 66 pages of  
12 exhibits, unincorporated by reference and unexplained by any allegations. Although the court  
13 liberally construes pro se complaints, the court will not comb through attached exhibits to  
14 determine whether a claim could possibly be stated based on material in the exhibits where the  
15 pleading itself does not state a claim. See Samtani v. City of Laredo, 274 F. Supp. 3d 695, 698  
16 (S.D. Tex. 2017); Johnston v. CDCR Health Care, No. 1:21-CV-01322-JLT-BAM-PC, 2022 WL  
17 183432, at \*1 (E.D. Cal. Jan. 20, 2022). Accordingly, in any amended complaint, plaintiff must  
18 include factual allegations in the complaint itself, rather than relying on the content of any  
19 exhibits, in order to state a claim.

#### 20 **IV. Conclusion and Order**

21 The complaint must be dismissed because it does not contain sufficient factual content to  
22 allow the court to draw the reasonable inference that any named defendant is liable for any  
23 misconduct alleged. However, the court grants leave to file an amended complaint. See Lucas v.  
24 Dep’t of Corr., 66 F.3d 245, 248 (9th Cir. 1995) (“Unless it is absolutely clear that no amendment  
25 can cure the defect... a pro se litigant is entitled to notice of the complaint’s deficiencies and an  
26 opportunity to amend prior to dismissal of the action.”); see also Fed. R. Civ. P. 15(a) (leave to  
27 amend should be freely given when justice so requires). An amended complaint must be complete  
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1 in itself without reference to any prior pleading. See Loux v. Rhay, 375 F.2d 55, 57 (9th Cir.  
2 1967); Local Rule 220.

3 In accordance with the above, IT IS ORDERED as follows:

4 1. Plaintiff Moore's motion to proceed in forma pauperis (ECF No. 2) is GRANTED.

5 2. Plaintiff Moore's complaint (ECF No. 1) is DISMISSED with leave to amend.

6 3. Plaintiffs are granted 30 days from the date of service of this order to file an amended  
7 complaint that complies with the requirements of the Federal Rules of Civil Procedure and the  
8 Local Rules of Practice; the amended complaint must bear the docket number assigned this case  
9 and must be labeled "First Amended Complaint"; plaintiffs are cautioned that failure to file an  
10 amended complaint or otherwise respond to this order will result in a recommendation that this  
11 action be dismissed.

12 Dated: March 11, 2025



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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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