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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6

7 KEITH DESMOND TAYLOR,

No. C-13-2913 EMC (pr)

8 Plaintiff,

9 v.

ORDER OF DISMISSAL

10 1ST UNITED SERVICES
11 CREDIT UNION,

12 Defendant.
13

14 Plaintiff filed this *pro se* civil action and applied to proceed *in forma pauperis*. The Court
15 reviewed his complaint, found it lacking in essential information, and dismissed it with leave to
16 amend. His amended complaint is now before the Court for review under 28 U.S.C. § 1915(e),
17 which allows the Court to dismiss an *in forma pauperis* action if the action is frivolous or malicious,
18 or fails to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B). *Pro*
19 *se* pleadings must be liberally construed. *See Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699
20 (9th Cir. 1990).

21 Plaintiff alleges that Defendant took over a credit union at which he had an "investment
22 account" with about \$600.00 in it. Docket # 1 at 3; Docket # 6 at 3. Plaintiff – who has been on
23 death row for about 17 years, *see People v. Taylor*, 47 Cal. 4th 850, 567 (Cal. 2009) – allegedly
24 never used or closed the account. *Id.* Plaintiff alleges that Defendant has denied that he has an
25 account and has not sent a "printout of the account." Docket # 6 at 3. Plaintiff attached to his
26 amended complaint an undated letter from Defendant to him that stated: "You currently don't hold
27 any accounts with the credit union." *Id.* at 5. In his prayer for relief, Plaintiff requests that he
28 receive the money in the account.

1 Now that Plaintiff has described his claim, it is clear that he is in the wrong court. “Federal
2 courts are courts of limited jurisdiction. They possess only that power authorized by Constitution
3 and statute.” *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 377 (1994). The two
4 main classes of cases over which the federal courts have jurisdiction are those that present a federal
5 question, *see* 28 U.S.C. § 1331, and those in which the parties have diverse citizenship, *see* 28
6 U.S.C. § 1332.

7 Plaintiff used the form complaint for a civil rights action under 42 U.S.C. § 1983. Although
8 an action under § 1983 would present a federal question and would give this Court original
9 jurisdiction, this action plainly is not an action that may be pursued under § 1983. Both elements of
10 a § 1983 action are absent: the private credit union is not a state actor, and the events and omissions
11 giving rise to the complaint plainly do not amount to a violation of any right secured by the
12 Constitution or laws of the United States. *See West v. Atkins*, 487 U.S. 42, 48 (1988) (describing
13 elements of a § 1983 claim). Plaintiff has not identified any other federal statute that would give this
14 Court federal question jurisdiction, and the Court is not aware of one that would. Even if the credit
15 union was a corporation organized under federal law, the Court would not potentially have
16 jurisdiction over a civil action against it unless the United States owned more than half of the
17 corporation’s capital stock, which is not alleged to be the case here. *See* 28 U.S.C. § 1349. There is
18 no federal question jurisdiction.

19 There also is not diversity jurisdiction because both the Plaintiff and Defendant – a credit
20 union headquartered in Pleasanton – appear to be citizens of California and the amount in dispute
21 does not meet the jurisdictional minimum. *See* 28 U.S.C. § 1332.

22 This action is **DISMISSED** for lack of subject matter jurisdiction. Any action to obtain from
23 Defendant the money Plaintiff allegedly deposited with Defendant must be pursued in state court.
24 The clerk shall close the file.

25 IT IS SO ORDERED.

26 Dated: October 17, 2013

27 
28 EDWARD M. CHEN
United States District Judge