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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CYNTHIA D. DAVIS-KNOTTS,  
Plaintiff,  
v.  
STATE OF CALIFORNIA, et al.,  
Defendants.

Case No. [15-cv-01518-VC](#)

**ORDER OF DISMISSAL WITH  
PREJUDICE**

On May 29, 2015, the Court dismissed the plaintiff's second amended complaint pursuant to 28 U.S.C. § 1915(e)(2). The Court explained that without any details showing: (1) any of the defendants' alleged actions were adverse employment actions taken because of the plaintiff's disability; (2) the plaintiff was qualified for hire in a position but was rejected in favor of a younger candidate of equal or lesser qualifications; or (3) the defendants refused to hire the plaintiff on the basis of genetic information or otherwise violated the Genetic Information Nondiscrimination Act, the complaint failed to state a claim. The Court offered the plaintiff one final chance to amend her complaint to include sufficient facts to show "a plausible entitlement to relief." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 559 (2007).

On June 19, 2015, the plaintiff filed her Third Amended Complaint, asserting claims against the State of California and the State Compensation Insurance Fund for violations of the Americans with Disabilities Act, Age Discrimination in Employment Act, and Genetic Nondiscrimination Act.<sup>1</sup> In the Third Amended Complaint, the plaintiff alleges that she left her position as a Key Data Operator with the State Compensation Insurance Fund following a work-related injury. The plaintiff further alleges that "after my work related injury I continued to return

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<sup>1</sup> Also on June 19, 2015, the plaintiff filed a document requesting that the Court "review the inheritance of [the plaintiff's] father," but this request is unrelated to the plaintiff's current lawsuit and therefore the Court will not consider it. See Docket No. 10, Fed R. Civ. P. 20(a)(2).

1 and seeking [*sic*] reinstatement" over a 15-year period, but was "[n]ever hired or reinstated. State  
2 of California Personnel Board agency misinformation given about my work history. . . .  
3 Harmful/Long term affect [*sic*] of this misinformation given about me."

4 The most specific allegation in the complaint is that sometime in 2012 the plaintiff called  
5 Karen Shu seeking a position with the Public Utilities Commission, and that the supervisor at the  
6 Public Utilities Commission subsequently called the plaintiff and informed her that she did not  
7 qualify for the position. The complaint states that "[a]ge was the motivating factor," but includes  
8 no facts to support this conclusion.

9 On June 22, 2015, the plaintiff filed a document containing further information in support  
10 of her claim. (Docket No. 23.) This document contains additional details about the positions  
11 plaintiff sought and various individuals she spoke with while pursuing employment. But it  
12 provides no facts suggesting that the defendants chose not to rehire the plaintiff (or took any other  
13 adverse action against her) because of her age, disability, or genetic information.


14 As the Court explained in its April 8, 2015 order dismissing the plaintiff's initial complaint,  
15 while a complaint does not need to provide "detailed factual allegations," it does require the  
16 plaintiff to provide "more than an unadorned, the-defendant-unlawfully-harmed-me accusation."  
17 *Ashcroft v. Iqbal*, 556 U.S. 662, 678, (2009) (citing *Twombly*, 550 U.S. at 555). This means that a  
18 complaint must offer more than labels and conclusions. A complaint will not state a claim if it  
19 provides only "'naked assertion[s]' devoid of 'further factual enhancement.'" *Id.*

20 The Third Amended Complaint does not provide any of the details the Court explained  
21 were necessary in order for the plaintiff to state a claim on which relief may be granted.  
22 Accordingly, the complaint is dismissed with prejudice.

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**IT IS SO ORDERED.**

Dated: July 6, 2015

  
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VINCE CHHABRIA  
United States District Judge

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**CERTIFICATE OF SERVICE**


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 6, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Cynthia D. Davis-Knotts  
7501 S. El Dorado Street  
#7  
French Camp, CA 95231

Dated: July 6, 2015

Richard W. Wieking  
Clerk, United States District Court

By:   
Kristen Melen, Deputy Clerk to the  
Honorable VINCE CHHABRIA