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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TYLER D. JOHNSON,
Plaintiff,

v.

MARK ZUCKERBERG, et al.,
Defendants.

Case No. [23-cv-03910-AMO](#) (PR)

ORDER OF DISMISSAL

Plaintiff Tyler D. Johnson, an inmate in Missouri, filed the present civil rights action pursuant to 42 U.S.C. § 1983, representing himself. He has been granted leave to proceed *in forma pauperis*.

On March 13, 2024, the Court conducted an initial screening of the complaint pursuant to 28 U.S.C. § 1915A(a), and found that

the allegations and prayer for relief in the instant complaint seem to be a duplicate of those of an existing class action, *In re Facebook, Inc., Consumer Privacy User Profile Litigation*, Case No. 18-md-2843-VC (N.D. Cal.) (“*In re Facebook*”) (Dkt. 491 at 89-250 of Case No. 18-md-2843-VC (setting forth factual allegations regarding violations of data privacy), Dkt. 491 at 89-250 of Case No. 18-md-2843-VC 354 ¶ 1383 (seeking damages)).

Dkt. 11 at 3. The Court also determined that while Johnson argued in a conclusory fashion that his suit had “nothing to do with the legal claims related to *In re Facebook*,” *see id.* (citing Dkt. 5 at 4), Johnson’s argument was “unavailing,” especially since his allegations and request for monetary damages were duplicative of those in *In re Facebook*, *see id.* Accordingly, the Court concluded that the complaint should be dismissed as duplicative. *See id.* (citing *Pride v. Correa*, 719 F.3d 1130, 1133 (9th Cir. 2013)). The Court also denied Johnson’s motion for class certification, his “Motion for Approval of Proposed Consent Judgment.” Dkt. 11 at 4-5.

1 The Court further found that Johnson seemed to meet the criteria of being a class member
2 and, as a Missouri resident, a member of the Missouri “subclass” of *In re Facebook*. *See id.* at 3-4
3 (citing Dkts. 491 at 252 ¶ 764(a) and 254 ¶ 764(a)(xiv) of Case No. 18-md-2843-VC). The Court
4 pointed out that that case had reached a settlement, *see id.* at 4 (citing Dkt. 1118 of Case No. 18-
5 md-2843-VC), but that Johnson did not allege he opted out of the settlement, *see id.* Because
6 Johnsons did not allege he opted out, the Court directed him to “submit any claim for damages to
7 the settlement administrator of *In re Facebook*, whose contact information is listed in the
8 settlement website: www.FacebookUserPrivacySettlement.com.” *Id.* The Court added:

9 The settlement website says that anyone can email the settlement
10 administrator at info@FacebookUserPrivacySettlement.com, call
11 him/her at 1-855-556-2233, or mail any inquiries to Facebook
12 Consumer Privacy User Profile Litigation, c/o Settlement
13 Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103.

14 *Id.*

15 The Court further instructed Johnson that if he wished to seek other forms of equitable
16 relief, then he must do so by urging further action through the class representative and class
17 counsel, or by intervention in the class action, not by filing a separate, individual case. *Id.* (citing
18 *Gillespie v. Crawford*, 858 F.2d 1101, 1103 (5th Cir. 1988) (en banc)). Finally, because it was
19 possible that Johnson could have opted out of the settlement agreement, the Court concluded that
20 “the instant dismissal [was] with leave to amend, and Johnson will need to allege that he opted out
21 of the class action settlement in an amended complaint” *Id.* The Court granted Johnson
22 twenty-eight days to file an amended complaint to cure the pleading deficiencies, or to suffer
23 dismissal of the action. *Id.* at 10-11.

24 Johnson subsequently filed an amended complaint. Dkt. 12. Johnson names similar
25 defendants and makes similar allegations as in his original complaint. *Compare* Dkt. 1 *with* Dkt.
26 12. He also attempts to name multiple plaintiffs, but, as mentioned, the Court has previously
27 denied Johnson’s motion for class certification. *See* Dkt. 11 at 4-5.

28 The Court has reviewed Johnson’s amended complaint and finds that it does not cure the
pleading deficiencies identified in the Court’s Order dismissing the original complaint with leave
to amend. For example, Johnson has not indicated whether he opted out of the settlement

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agreement even though he was instructed to do so. *See* Dkt. 12. Also, Johnson does not make any further arguments as to whether or not his legal claims are related to those in *In re Facebook*.

Accordingly, Johnson’s claims are **DISMISSED AS DUPLICATIVE**.

The Clerk of the Court shall terminate all pending motions and close the file.

IT IS SO ORDERED.

Dated: October 28, 2024


ARACELI MARTÍNEZ-OLGUÍN
United States District Judge