

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

SEP 22 2022

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

KEVIN Y. JIN; MARY LIM,

Plaintiffs-Appellants,

v.

RAFAEL VELASQUEZ; et al.,

Defendants-Appellees.

No. 22-55487

D.C. No.

5:22-cv-00421-JWH-SHK

Central District of California,  
Riverside

ORDER

Before: M. SMITH, BRESS, and VANDYKE, Circuit Judges.

Upon a review of the record, the response to the order to show cause, and the opening brief filed on July 29, 2022, we conclude this appeal is frivolous. We therefore deny appellants' motion to proceed in forma pauperis (Docket Entry No. 3), *see* 28 U.S.C. § 1915(a), and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

**DISMISSED.**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

KEVIN Y. JIN, et al.,

Plaintiffs,

v.

RAFAEL VELASQUEZ, et al.,

Defendants.

Case No. 5:22-cv-00421-JWH-SHKx

**ORDER DENYING APPLICATION  
TO PROCEED IN FORMA  
PAUPERIS AND DISMISSING  
COMPLAINT WITHOUT  
PREJUDICE**

1 On March 4, 2022, the Court received the Complaint (“Complaint” or  
2 “Compl.”) of pro se Plaintiffs Kevin Y. Jin, Mary H. Lim, and Luke W. Jin  
3 (“Plaintiffs”) alleging various statutory and common law violations against  
4 Defendants Rafael Velasquez (“Defendant Velasquez”); Juan Jose Gonzalez;  
5 Sandoval Juan Jose Gonzalez; Martha Melchor; Larry Valdez (“Defendant  
6 Valdez”), Anthony T. Case, Maxine D. Harvey, attorneys for Infinity Insurance;  
7 and Sandra Hum, attorney for GEICO, (collectively, “Defendants”). Electronic  
8 Case Filing Number (“ECF No.”) 1, Compl. at 1-4. The same day, the Court  
9 received Plaintiff Kevin Jin’s Request to Proceed In Forma Pauperis (“IFP”) With  
10 Declaration In Support (“IFP Request”). ECF No. 2, IFP Request.

11 After careful review of the documents that Plaintiffs filed and consideration  
12 of the standards that apply, the Court finds that Plaintiffs fail to state a claim for  
13 which relief can be granted, this Court does not have subject matter jurisdiction  
14 over the matter, and the Court must abstain under the Rooker-Feldman doctrine.  
15 For these reasons, as discussed in this Order, the Court **DENIES** Plaintiffs’ IFP  
16 Request and **DISMISSES** the case without prejudice.

### 17 I. BACKGROUND

18 Plaintiffs’ claims appear to arise from a car accident that took place in 2019  
19 and subsequent events between Plaintiffs and Defendants during state court  
20 proceedings Plaintiffs initiated after the car accident. See ECF No. 1, Compl. at 6.

21 Plaintiffs claim that Defendant Velasquez hit the right rear door of Plaintiff  
22 Kevin Jin’s car while Plaintiff Kevin Jin and Plaintiff Luke Jin were riding in the  
23 car on August 19, 2015, at 6:50 a.m. Id. After the car accident, Plaintiff Kevin Jin  
24 brought a lawsuit on behalf of himself and Plaintiff Luke Jin against Defendant  
25 Velasquez in California Superior Court (Case No. PSC170497). Id. at 29-30.  
26 During the state court trial, “the jury returned a verdict finding [D]efendant  
27 [Velasquez] not negligent, resulting in a judgment for” Defendant Velasquez. Id.  
28 at 29. Plaintiffs appealed, and the California Court of Appeal affirmed the

1 judgment in an opinion issued November 1, 2021. Id. at 29, 45. Plaintiff's petition  
2 for review to the Supreme Court of California was denied on February 16, 2022.  
3 Id. at 25.

4 Plaintiffs assert that the instant case "is to prove the Defendant's  
5 negligence." Id. at 6. Plaintiffs state they have two other claims, specifically:  
6 "[s]oon after [the car collision], the Plaintiffs, Kevin and Luke Jin, went to a  
7 chiropractor due to serious muscle pain and aches and received chiropractic  
8 treatment. Additionally, just about a month after the accident, the Plaintiff, Luke  
9 Jin's vision started to worsen." Id.

10 In addition to the above claims, Plaintiffs' list other alleged unlawful acts  
11 that occurred during the state court proceedings. Specifically, Plaintiffs state, as  
12 best the Court can understand,<sup>1</sup> that Defendants Velasquez and Melcher provided  
13 "'false testimon[y] [and] false statement with false materials' which [is] perjury[.]"  
14 Id. at 10. Additionally, Plaintiffs argue that Defendant Valdez "made false  
15 statements by using the cancelled depo and falsified signature of [Plaintiff Kevin  
16 Jin] who never" signed the deposition. Id. Plaintiffs also state that Defendant  
17 Valdez "joined [a] crime scheme to win [the] case[.]" Id.

18 Additionally, Plaintiffs provide an extensive list of other issues they argue  
19 are actionable in the instant case, which the Court summarizes:

20 1. Jury and Court of Appeal violated "false statement, false document,  
21 falsely added [Plaintiff's] signature, under the Code #773, 118 and 1622";

22 2. Both insurance companies ignored Plaintiffs' "low income[ ] health  
23 insurance medical/medic[aid] limitation to be stubborn to stand to court for wages  
24 and the power of the medical report[.]" and made the jury not believe Plaintiffs;

25  
26  
27  
28 <sup>1</sup> Plaintiffs' Complaint contains many abbreviations, and while it does include a "Material  
Abbreviation" list, ECF No. 1, Compl. at 9, not every abbreviation is included in the list, and,  
thus, the Court has had to guess Plaintiffs' meaning at points.

1           3.     Defendant Velasquez's testimony as to the circumstances of the  
2 collision was false;

3           4.     Bad faith of both Plaintiffs' and Defendant Velasquez's insurance  
4 companies "violat[ed] civil rights for abus[ing] minor['s] health";

5           5.     Errors by the Korean interpreters "infected" the outcome of the trial;

6           6.     Substantial evidence does not support the jury's verdict; and

7           7.     The trial court's verdict was wrong.

8 Id. at 11-23.

9           Plaintiffs state that their cause of action arises under 8 U.S.C. § 1324c and  
10 18 U.S.C. § 1001. ECF No. 1-2, Compl. Cover Sheet at 1. In their request for  
11 relief, Plaintiffs "seek compensation for [ ] the muscle pain and the eye damage"  
12 experienced by Plaintiffs Kevin Jin and Luke Jin. ECF No. 1, Compl. at 6.  
13 Specifically, Plaintiffs seek "\$250,000 or an amount that the government deems is  
14 satisfactory" for the muscle damage Plaintiff Kevin Jin experienced and  
15 \$2.5 million for the "permanent[ ] damage" to Plaintiff Luke Jin's future that has  
16 resulted from the eye damage allegedly caused by the accident. Id.

## 17                                   II.     LEGAL STANDARD

18           Because Plaintiffs are seeking to proceed IFP, the Court must screen the  
19 Complaint and dismiss the case if it concludes the action is frivolous or malicious,  
20 fails to state a claim on which relief may be granted, or seeks monetary relief  
21 against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

22           Additionally, Rule 12(h)(3) of the Federal Rules of Civil Procedure requires  
23 that "[w]henver it appears . . . that the court lacks jurisdiction of the subject  
24 matter, the court shall dismiss the action." See also Ruhrgas AG v. Marathon Oil  
25 Co., 526 U.S. 574, 583-84 (1999) (citing Steel Co. v. Citizens for Better Env't, 523  
26 U.S. 83, 94-95 (1998) (noting that "subject-matter delineations must be policed by  
27 the courts on their own initiative")). Consequently, the Court is required to  
28 determine whether it has subject matter jurisdiction over the matter.

1 In making this assessment, the Court applies the pleading standard from  
2 Rule 8, which requires that a complaint must include “a short and plain statement”  
3 of the claim and “the grounds upon which it rests.” Bell Atl. Corp. v. Twombly,  
4 550 U.S. 544, 555 (2007). The Court must accept all of the plaintiff’s factual  
5 allegations as true in determining whether a plaintiff has stated a claim for which  
6 relief could be granted. Hishon v. King & Spalding, 467 U.S. 69, 73 (1984).  
7 Dismissal is appropriate based either on the lack of cognizable legal theories or the  
8 lack of pleading sufficient facts to support cognizable legal theories. Balistreri v.  
9 Pacifica Police Dep’t, 901 F.2d 696, 699 (9th Cir. 1990).

10 Finally, “[a] document filed pro se is to be liberally construed, and a pro se  
11 complaint, however inartfully pleaded, must be held to less stringent standards than  
12 formal pleadings drafted by lawyers.” Woods v. Carey, 525 F.3d 886, 889-90 (9th  
13 Cir. 2008) (citations and internal quotation marks omitted). If, however, a court  
14 finds that a pro se complaint has failed to state a claim, dismissal may be with or  
15 without leave to amend. Lopez v. Smith, 203 F.3d 1122, 1126-30 (9th Cir. 2000).

### 16 III. DISCUSSION

#### 17 A. Plaintiffs’ Complaint Does Not Comply With Rule 8

18 Rule 8 requires that a complaint provide sufficient facts to give a defendant  
19 fair notice of the claims against them. Conley v. Gibson, 355 U.S. 41, 47 (1957).  
20 Rule 8 requires that a complaint clearly establish the claims and parties such that a  
21 defendant would have “no difficulty in responding to the claims with an answer  
22 and/or with a Rule 12(b)(6) motion to dismiss.” Hearns v. San Bernardino Police  
23 Dep’t, 530 F.3d 1124, 1131-32 (9th Cir. 2008). The complaint must contain more  
24 than “naked assertion[s,]” “labels and conclusions,” or “a formulaic recitation of  
25 the elements of a cause of action” to state a claim for relief. Bell, 550 U.S. at 555-  
26 57. “Something labeled a complaint but written more as a press release, prolix in  
27 evidentiary detail, yet without simplicity, conciseness and clarity as to whom  
28 plaintiffs are suing for what wrongs, fails to perform the essential functions of a

1 complaint.” McHenry v. Renne, 84 F.3d 1172, 1179 (9th Cir. 1996). In sum, ,  
2 “[e]ach allegation must be simple, concise, and direct.” Fed. R. Civ. P. 8(a), (d).

3 Here, Plaintiffs’ twenty-three-page, meandering, conclusory Complaint, with  
4 its attached fifty-five pages of exhibits, does not conform to the dictates of Rule 8.  
5 It is not short and does not contain a plain statement of the claims or show that  
6 Plaintiffs are entitled to relief from Defendants. While Rule 8 does not require  
7 detailed factual allegations, it requires at least “fair notice” of both the particular  
8 claim being asserted and “the grounds upon which [the particular claim] rests[,]”  
9 Swierkiewicz v. Sorema N.A., 534 U.S. 506, 512 (2002) (citation omitted),  
10 whereas here, Plaintiffs’ Complaint contains only bald assertions against  
11 Defendants, including that certain Defendants “made false statements” and joined a  
12 “crime scheme” to win the state court case between Plaintiffs and Defendant  
13 Velasquez. See ECF No. 1, Compl. at 10. Additionally, Plaintiffs fail to clearly  
14 allege any wrongdoing on the part of Defendants Juan Jose Gonzalez, Sandoval  
15 Juan Jose Gonzalez, Martha Melchor, Anthony T. Case, Maxine D. Harvey, and  
16 Sandra Hum.

17 Furthermore, although Plaintiffs allege that this case is brought under federal  
18 question jurisdiction because Defendants allegedly violated 8 U.S.C. § 1324c and  
19 18 U.S.C. § 1001, ECF No. 1-2, Compl. Cover Sheet at 1, Plaintiffs have failed to  
20 allege any facts demonstrating that Defendants violated the cited codes or how  
21 such alleged violations entitle Plaintiffs to relief. Therefore, Plaintiffs’ claims fail  
22 and are subject to dismissal on this basis.

23 **B. Plaintiff Kevin Jin Cannot Bring This Lawsuit on Behalf of Other**  
24 **Plaintiffs Because He Is Proceeding Pro Se**

25 Plaintiff Kevin Jin is attempting to bring claims on behalf of Plaintiffs Mary  
26 Lim and Luke Jin. See ECF No. 1, Compl. at 1 (listing Kevin Jin, Mary Lim, and  
27 Luke Jin as Plaintiffs); but see id. at 1, 4 (listing only Kevin Jin and Mary Lim as  
28 “Plaintiffs” in the “Parties to This Complaint” section of the Complaint for a Civil

1 Case form); ECF No. 2, IFP Request at 1-2 (the sole IFP Request, Plaintiff Kevin  
2 Jin's, filed on behalf of all Plaintiffs).

3 A litigant in federal court has a right to act as his own counsel. See 28  
4 U.S.C. § 1654. However, pro se litigants have no authority to represent anyone  
5 other than themselves. See Simon v. Hartford Life, Inc., 546 F.3d 661, 664 (9th  
6 Cir. 2008) (non-attorney may not attempt to pursue claims on behalf of others in a  
7 representative capacity).

8 Here, although the Complaint lists Kevin Jin, Mary Lim, and Luke Jin each  
9 as Plaintiffs, see, e.g., ECF No. 1, Compl. at 1 (listing all three as Plaintiffs); id. at  
10 7 (same), Plaintiff Kevin Jin appears to be the de facto representative for the other  
11 Plaintiffs. See ECF No. 2, IFP Request at 1-2; see also ECF No. 1, Compl. at 30  
12 (California Court of Appeal opinion describing that Plaintiff Kevin Jin brought the  
13 state court case on behalf of himself and his minor son, Plaintiff Luke Jin).

14 "Having multiple pro se plaintiffs, one of whom appears to be a de facto  
15 representative for the others, makes the management of this case unworkable."

16 Zuvich v. City of Los Angeles, No. CV 11-06832 DDP (AJW), 2012 WL  
17 12964889, at \*3 (C.D. Cal. Feb. 13, 2012) ("There is no practical way to ensure  
18 that all of the plaintiffs actually are representing themselves and no one else, are  
19 aware of potential conflicts of interest, or can meaningfully coordinate the  
20 litigation of this case.").

21 Because Plaintiff Kevin Jin cannot maintain this action on behalf of  
22 Plaintiffs Mary Lim and Luke Jin because he is proceeding pro se, the only claims  
23 that are appropriately before the Court are the claims Plaintiff Kevin Jin raises on  
24 his own behalf, and all other claims are subject to dismissal for this reason.

25 **C. Plaintiffs' Claims Are Dismissed for Lack of Subject-Matter**  
26 **Jurisdiction**

27 Federal courts are limited in the types of cases that they can hear and cannot  
28 hear any lawsuit that a party may want to file, unlike many state courts. United



1 States v. Jacobo Castillo, 496 F.3d 947, 951 (9th Cir. 2007). Specifically, federal  
2 courts can only hear “those cases that (1) are within the judicial power of the  
3 United States, as defined in the Constitution, and (2) that have been entrusted to  
4 them by a jurisdictional grant by Congress.” Id. (citation and internal quotation  
5 marks omitted). Without the authority to hear a case, a federal court lacks subject  
6 matter jurisdiction over the matter. See Kontrick v. Ryan, 540 U.S. 443, 452  
7 (2004) (“Only Congress may determine a lower federal court’s subject-matter  
8 jurisdiction.” (citation omitted)). Also, neither the federal court nor the parties can  
9 waive this type of a defect. Castillo, 496 F.3d at 952.

10 Here, Plaintiffs have not demonstrated that subject matter jurisdiction exists  
11 by way of diversity jurisdiction or federal question.

12 1. The Allegations Show That Diversity Jurisdiction Does Not  
13 Exist.

14 One way a federal court may hear a case is through diversity jurisdiction.  
15 The requirements for this type of jurisdiction are set out in 28 U.S.C. § 1332  
16 (“§ 1332”), which provides:

17 (a) The district courts shall have original jurisdiction of all civil actions  
18 where the matter in controversy exceeds the sum or value of \$75,000,  
19 exclusive of interest and costs, and is between—

20 (1) citizens of different States;

21 (2) citizens of a State and citizens or subjects of a foreign state,  
22 except that the district courts shall not have original jurisdiction  
23 under this subsection of an action between citizens of a State and  
24 citizens or subjects of a foreign state who are lawfully admitted  
25 for permanent residence in the United States and are domiciled  
26 in the same State;

27 (3) citizens of different States and in which citizens or subjects  
28 of a foreign state are additional parties; and

1 (4) a foreign state, defined in section 1603(a) of this title, as  
2 plaintiff and citizens of a State or of different States.

3 28 U.S.C. § 1332.

4 “The natural person’s state citizenship is . . . determined by [his or] her state  
5 of domicile, not [his or] her state of residence. A person’s domicile is [his or] her  
6 permanent home, where [he or] she resides with the intention to remain . . . .”

7 Kanter v. Warner–Lambert Co., 265 F.3d 853, 857 (9th Cir. 2001).

8 Here, Plaintiffs seek damages of \$2,750,000 and thus meet the amount in  
9 controversy requirement for diversity jurisdiction under § 1332(a). However,  
10 Plaintiffs have failed to meet the diversity of citizenship requirement set forth in  
11 § 1332(a)(1). Specifically, Plaintiffs have alleged that all Plaintiffs and all  
12 Defendants have California addresses, and Plaintiffs do not make any allegations  
13 that any Defendants are citizens of states other than California. See ECF No. 1,  
14 Compl. at 1-4. If Plaintiffs seek to invoke diversity jurisdiction, they have the  
15 burden to establish that diversity exists on the record. See DaimlerChrysler Corp.  
16 v. Cuno, 547 U.S. 332, 342 n.3 (2006) (“[Courts] presume that federal courts lack  
17 jurisdiction unless the contrary appears affirmatively from the record[.]” (citation  
18 and internal quotation marks omitted)).

19 Because the diversity requirement is not met here, this Court does not have  
20 subject matter jurisdiction over Plaintiffs’ claims under § 1332.

21 2. Plaintiffs Fail to State a Claim Under Federal Law.

22 Plaintiffs contend that the Court has federal question jurisdiction pursuant to  
23 § 1331. See ECF No. 1-2, Compl. Cover Sheet at 1. Under § 1331, a district court  
24 has jurisdiction “of all civil actions arising under the Constitution, laws, and  
25 treaties of the United States.” 28 U.S.C. § 1331. Plaintiffs allege that their claims  
26 arise under 8 U.S.C. § 1324c and 18 U.S.C. § 1001. ECF No. 1-2, Compl. Cover  
27 Sheet at 1. However, both of these statutes are criminal statutes, see 8 U.S.C.  
28 § 1324c (proscribing and stating “[p]enalties for document fraud”); 18 U.S.C.

1 § 1001 (stating penalties for making false “statements or entries” “in any matter  
2 within the jurisdiction of the executive, legislative, or judicial branch of the  
3 Government of the United States”), and as such, Plaintiffs’ claims under these  
4 statutes fail to confer subject matter jurisdiction to the Court in this case because it  
5 is a private civil action.

6 “[A] private party may not enforce criminal statutes through a civil  
7 action.” Florence v. Buchmeyer, 500 F. Supp. 2d 618, 635 (N.D. Tex. 2007).  
8 Moreover, “[o]nly a prosecutor can file criminal charges against a citizen[,]” Jones  
9 v. Harris, 665 F. Supp. 2d 384, 404 (S.D.N.Y. 2009)), and “[t]he presence of a  
10 criminal statute neither creates nor implies a corresponding private right of action.”  
11 Kunzer v. Magill, 667 F. Supp. 2d 1058, 1061 (D. Minn. 2009) (citing U.S. v.  
12 Wadena, 152 F.3d 831, 845-46 (8th Cir. 1998)); see also U.S. v. Nixon, 418 U.S.  
13 683, 693 (1974) (“[T]he Executive Branch has exclusive authority and absolute  
14 discretion to decide whether to prosecute a case . . .”). Thus, Plaintiffs’ claims, to  
15 the extent they rely on the two cited criminal statutes, fail to create federal question  
16 jurisdiction and are therefore subject to dismissal.

17 **D. Plaintiffs’ Claims Appear to Be Barred by the Rooker-Feldman**  
18 **Doctrine**

19 The Rooker-Feldman doctrine prohibits federal district courts from hearing  
20 cases “brought by state-court losers complaining of injuries caused by state-court  
21 judgments rendered before the federal district court proceedings commenced and  
22 inviting district court review and rejection of those judgments.” Exxon Mobil  
23 Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 284 (2005). The doctrine  
24 requires courts to first determine if the federal action contains a forbidden de facto  
25 appeal of a state court judicial decision. Noel v. Hall, 341 F.3d 1148, 1156 (9th  
26 Cir. 2003). If it does not, “the Rooker-Feldman inquiry ends.” Bell v. City of  
27 Boise, 709 F.3d 890, 897 (9th Cir. 2013). If a court determines that the action is a  
28 “forbidden de facto appeal,” however, the court “must refuse to hear the forbidden

1 appeal” and, [a]s part of that refusal, it must also refuse to decide any issue raised  
2 in the suit that is ‘inextricably intertwined’ with an issue resolved by the state court  
3 in its judicial decision.” Noel, 341 F.3d at 1158; see also Bell, 709 F.3d at 897  
4 (“The ‘inextricably intertwined’ language from Feldman is not a test to determine  
5 whether a claim is a de facto appeal, but is rather a second and distinct step in the  
6 Rooker-Feldman analysis.”).

7 A federal court action constitutes a “de facto appeal” of a state court  
8 decision where a plaintiff “complains of a legal wrong allegedly committed by the  
9 state court, and seeks relief from the judgment of that court.” Noel, 341 F.3d at  
10 1163. While de facto appeals usually require a federal court plaintiff to seek relief  
11 from a state court judgment *and* allege a legal error by the state court, id. at 1164,  
12 the Ninth Circuit has held that actions where a plaintiff attributes wrongful conduct  
13 to the adverse party—and not the state court—can still constitute a de facto appeal  
14 if the state court already considered the purported fraud and declined to alter its  
15 earlier decision. Reusser v. Wachovia Bank, N.A., 525 F.3d 855, 859-60 (9th Cir.  
16 2008).

17 Plaintiffs bring the Complaint in order to prove Defendant Velasquez’s  
18 negligence and ask the Court to “compensat[e]” Plaintiffs for their physical injuries  
19 caused by the car accident with Defendant Velasquez, see ECF No. 1, Compl. at 6.  
20 Plaintiffs seek this remedy despite the resolution of these matter in the state court.  
21 Specifically, the state court issued a judgment for Defendant Velasquez in  
22 Plaintiffs’ negligence case against Defendant Velasquez for the car accident, id. at  
23 30, which was appealed to the California Court of Appeal. Id. at 38-39. The  
24 California Court of Appeal, in turn, affirmed the trial court’s judgement after  
25 considering Plaintiffs’ arguments, among others, that Defendant Velazquez gave  
26 false testimony about the circumstances of the collision and that the insurance  
27 companies’ counsel conspired to save the insurance company money. Id.

1 By seeking a remedy that would require this Court to invalidate a state court  
2 decision, Plaintiffs are plainly asking the Court to “review the final determinations  
3 of a state court in judicial proceedings,” which is at the core of Rooker-Feldman’s  
4 prohibition. In re Gruntz, 202 F.3d 1074, 1079 (9th Cir. 2000). Therefore,  
5 Plaintiffs’ action constitutes a “forbidden de facto appeal.”

6 If a court determines that a federal action is, in fact, a de facto appeal of a  
7 state court judgment, “it must identify and decline to exercise jurisdiction over any  
8 issues that are ‘inextricably intertwined’ with that appeal.” Ismail v. County of  
9 Orange, 693 Fed. Appx. 507, 510 (9th Cir. 2017) (citing D.C. Court of Appeals v.  
10 Feldman, 460 U.S. 462, 483 n. 16 (1983)). Issues are inextricably intertwined with  
11 state court judgments if a district court cannot rule in favor of the plaintiff “without  
12 holding that the state court had erred.” See Does & Assocs. Law Offices v.  
13 Napolitano, 252 F.3d 1026, 1030 (9th Cir. 2001) (holding that district court  
14 properly dismissed constitutional claims under Rooker-Feldman because court  
15 could not have found in favor of plaintiff on those claims without holding that state  
16 court erred in denying a motion to quash). Federal district courts can, however,  
17 exercise jurisdiction over general constitutional challenges that do not require  
18 review of a specific state court decision. Feldman, 460 U.S. at 487.

19 Here, Plaintiffs allege that Defendants’ actions while litigating the state  
20 court case were unlawful, including that certain Defendants made “false  
21 statements” by using a “cancelled depo[sition][,]” “joined [a] crime scheme to win  
22 [the] case[.]” and made false testimony about the circumstances of the car accident.  
23 ECF No. 1, Compl. at 10, 14. Thus, Plaintiffs’ claims are rooted in alleged  
24 unlawful actions that, if true, would invalidate the entire state court action.  
25 Plaintiffs are thereby attempting to collaterally attack the state court’s decisions.  
26 Doe & Assocs. L. Offs. v. Napolitano, 252 F.3d 1026, 1030 (9th Cir. 2001) (“The  
27 purpose of [Rooker-Feldman] is to protect state judgments from collateral federal  
28 attack.”).

1 Plaintiffs' claims are therefore inextricably intertwined with Defendants'  
2 actions during the state court case about the car accident, and a decision by this  
3 Court would undercut any state ruling made in the state court case. See Bianchi v.  
4 Rylaarsdam, 334 F.3d 895, 898 (9th Cir. 2003). As such, Plaintiffs' claims are  
5 barred by the Rooker-Feldman doctrine and subject to dismissal for this additional  
6 reason.

7 **IV. ORDER**

8 The Court has determined that Plaintiffs' Complaint fails to comply with  
9 Rule 8, Plaintiff Kevin Jin cannot bring claims on behalf of the other Plaintiffs  
10 because he is proceeding pro se, there is no subject-matter jurisdiction over the  
11 Complaint, and Plaintiffs' claims appear to be barred by the Rooker-Feldman  
12 doctrine. Additionally, because it unlikely that granting leave to amend would  
13 allow Plaintiffs to cure the issues in the Complaint, it is hereby **ORDERED** as  
14 follows:

- 15 1. Plaintiffs' IFP Request is **DENIED**.  
16 2. This action is **DISMISSED** without prejudice.

17 **IT IS SO ORDERED.**

18  
19 Dated: April 11, 2022

  
HONORABLE JOHN W. HOLCOMB  
United States District Judge

20  
21 Presented by:

22   
23  
24 HONORABLE SHASHI H. KEWALRAMANI  
25 United States Magistrate Judge  
26  
27  
28

**Additional material  
from this filing is  
available in the  
Clerk's Office.**