

1 **II. LEGAL STANDARDS**

2 Recently, “many courts have confronted briefs populated with fraudulent legal citations
3 resulting from attorneys’ reliance on generative AI.” *Noland v. Land of the Free, L.P.*, 114 Cal.
4 App. 5th 426, 433, 446 (2025). Courts, including those in this District, have sanctioned “attorneys
5 and *pro se* parties for submitting fictitious case citations, fictitious quotations, and related
6 misrepresentations to the court.” *United States v. Hayes*, 763 F. Supp. 3d 1054, 1071 (E.D. Cal.
7 2025), *reconsideration denied*, No. 2:24-CR-0280-DJC, 2025 WL 1067323 (E.D. Cal. Apr. 9,
8 2025) (collecting cases). Sanctions have included (1) monetary sanctions; (2) the striking of
9 briefs; (3) requiring written notification to the attorney’s client; and (4) dismissal of the
10 complaint. *Id.* at 1071-72.

11 Such sanctions have been based on the Court’s inherent authority, the Court’s Local
12 Rules, Professional Rules of Conduct, and the Federal Rules of Civil Procedure. *Id.* at 1062-63
13 (citing Court’s inherent authority, Local Rules, and Rules of Professional Conduct as basis to
14 issue sanctions); *Tercero v. Sacramento Logistics, LLC*, No. 2:24-CV-00953-DC-JDP, 2025 WL
15 2605020, at *13 (E.D. Cal. Sept. 9, 2025) (issuing sanctions under Federal Rule of Civil
16 Procedure 11(b) and Local Rule 180(e)).

17 However, “[b]efore imposing sanctions on an attorney, the court must provide the attorney
18 with notice and an opportunity to be heard.” *Hayes*, 763 F. Supp. 3d at 1062.

19 **III. APPARENT ERRORS**

20 With the above legal standards in mind, the Court notes some apparent errors¹ in
21 Plaintiff’s opposition to Defendant’s motion for a more definite statement. (ECF No. 12).

22 First, Plaintiff’s brief includes citations to cases that do not appear to exist. For example,
23 he cites “*Griffin v. Cnty. of Humboldt*, 2023 WL 2760322, at *2 (N.D. Cal. Apr. 3, 2023)”;
24 “*Barajas v. Progressive Casualty Insurance Co.*, 2021 WL 5033507 (S.D. Cal. Oct. 29, 2021)”;
25 and “*Holmes v. City of San Diego*, 2016 WL 3648961, at *3 (S.D. Cal. July 7, 2016)” in his
26 opposition brief. (ECF No. 12, pp. 4, 5, 8). However, the Court was not able to locate any cases
27 matching these citations. *See Tercero*, 2025 WL 2605020, at *10 (noting that “citations to
28 nonexistent cases bear the hallmarks of hallucinated cases created by artificial intelligence

¹ This order does not identify every apparent error in the opposition brief, only a representative selection.

1 tools.”).

2 Second, Plaintiff’s brief appears to include apparent quotations from authority that does
3 exist. For example, the opposition brief states as follows:

4 In *Destfino v. Reiswig*, 630 F.3d 952, 958 (9th Cir. 2011), the Ninth Circuit
5 addressed the problem of shotgun pleadings, describing them as complaints in
6 which “each count incorporates all preceding counts by reference” and which “fail
7 to give the defendants adequate notice of the claims against them and the grounds
8 upon which each claim rests.”

9 (ECF No. 12, p. 6). While *Destfino* does exist, the Court was unable to locate the quoted
10 language that is supposed to appear on page 958.² See *Cummins v. Becerra*, No. 1:25-CV-01853-
11 DC-AC, 2026 WL 373336, at *1 (E.D. Cal. Feb. 10, 2026) (noting that inaccurate quotations
12 suggest the use of generative AI).

13 Third, Plaintiff’s brief appears to include legal representations that lack supporting
14 authority. For example, Plaintiff’s opposition brief states that Federal Rule of Civil Procedure
15 “81(c)(2) establishes a presumption that the existing pleading is sufficient for purposes of
16 proceeding in federal court. The burden is on the moving party to overcome that presumption.”
17 (ECF No. 12, pp. 5-6). Plaintiff’s brief does not include a citation for this legal representation.
18 However, to the extent that Attorney Little suggests that state court pleading rules continue to
19 govern post-removal to Federal Court, this is unsupported by any citation and is contradicted by
20 existing authority. See *Kearns v. Ford Motor Co.*, 567 F.3d 1120, 1125 (9th Cir. 2009) (“It is
21 well-settled that the Federal Rules of Civil Procedure apply in federal court, irrespective of the
22 source of the subject matter jurisdiction, and irrespective of whether the substantive law at issue
23 is state or federal.”) (citation and quotation marks omitted); *Horvath v. JP Morgan Chase & Co.*,
24 No. 3:21-CV-1665-BTM-AGS, 2022 WL 1036774, at *2 (S.D. Cal. Apr. 6, 2022) (noting that
25 “Plaintiff is incorrect that federal pleading standards do not apply once a California small claims
26 case has been removed to federal court”).

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28 ² The Court recognizes that different language discussing shotgun pleadings does appear on page 958 of
Destfino: “The order dismissing the first amended complaint explained that the complaint grouped
multiple defendants together and failed to ‘set out which of the defendants made which of the fraudulent
statements/conduct.’ The district court made clear in this order that plaintiffs must amend their ‘shotgun
pleading’ to ‘state[] clearly how each and every defendant is alleged to have violated plaintiffs’ legal
rights.”

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IV. ORDER

In light of the apparent deficiencies in Attorney Little’s opposition brief, IT IS ORDERED as follows:

1. By no later than April 20, 2026, Attorney Little shall file a response to this order, explaining whether his opposition brief contains deficiencies, and if so, showing cause why he should not be sanctioned for them.³
2. Failure to fully and candidly comply with this order may result in sanctions in addition to any imposed for deficiencies in the opposition brief.

IT IS SO ORDERED.

Dated: April 6, 2026

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE

³ If Attorney Little argues that his brief does not contain any deficiencies, he shall include copies of cited authority that does not appear on Westlaw.