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**THE DISTRICT COURT OF GUAM**

EDDIE LAWRENCE QUITUGUA,

Plaintiff,

vs.

DONNA P. QUITUGUA, an individual;  
RYAN C.P. QUITUGUA, an individual;  
NACRINA F. MENDIOLA, an individual; F.  
RANDALL CUNLIFFE, an individual;  
LISA P. CRUZ, individually and in her  
official capacity as a Land Abstractor II  
employee with the Department of Land  
Management; JOSEPH M. BORJA, his  
official capacity as the Director for the  
Department of Land Management; and The  
Office of the Attorney General, as a  
government entity for prospective  
declaratory and injunctive relief only;

Defendants.

CIVIL CASE NO. 25-00036

**DECISION AND ORDER  
DISMISSING PLAINTIFF’S AMENDED  
VERIFIED CIVIL RIGHTS  
COMPLAINT WITH PREJUDICE**

This matter comes before the court on Plaintiff Eddie Quitugua’s Amended Verified Civil Rights Complaint for Declaratory, Injunctive, and Other Appropriate Relief Pursuant to 42 U.S.C. § 1983 and Demand for Jury Trial (“Amended Complaint”), and his Motion for

1 Expedited Order on Screening and Compulsory Clarification. ECF Nos. 8, 10.<sup>1</sup> The court has  
2 reviewed the record and the relevant law and finds this matter suitable for submission without  
3 oral argument.

4 For the reasons stated herein, the court hereby **DISMISSES** Plaintiff's Amended  
5 Complaint with Prejudice.

## 6 **I. INTRODUCTION**

### 7 **A. PROCEDURAL BACKGROUND**

8 Plaintiff filed his initial complaint on September 17, 2025. ECF No. 1. He alleged Donna  
9 P. Quitugua, Ryan C.P. Quitugua, Nacrina F. Mendiola, F. Randall Cunliffe, Joseph M. Borja,  
10 Nicolas E. Toft, and the Office of the Attorney General (collectively, "Defendants") conspired to  
11 violate his constitutional and civil rights by using fraudulent deeds to evict him from the Subject  
12 Property and to prevent him from having due process in proceedings before the local court. *See*  
13 *id.* The court dismissed Plaintiff's first four claims without prejudice to allow him to amend his  
14 complaint: (1) Violation of Procedural Due Process – 42 U.S.C. § 1983, (2) Violation of  
15 Substantive Due Process – 42 U.S.C. § 1983, (3) Violation of Equal Protection – 42 U.S.C. §  
16 1983, and (4) Conspiracy to Interfere with Civil Rights – 42 U.S.C. § 1985(3). ECF No. 6, at 7-  
17 10. The court ordered Plaintiff to further articulate the factual and legal bases for these claims  
18 and it cautioned him that failure to adequately amend his complaint could lead to dismissal with  
19 prejudice. *Id.* at 11. The remaining two claims were dismissed with prejudice as amendment  
20 would be futile: (5) Fraud on the Court – Fed. R. Civ. P. 60(d)(3), and (6) Declaratory and  
21 Injunctive Relief – 28 U.S.C. §§ 2201-2202; *Ex parte Young*, 209 U.S. 123 (1908). *See id.* at 10.

22 Plaintiff filed the Amended Complaint on October 21, 2025, and he realleged the  
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24 <sup>1</sup> The court refers to CM/ECF pagination throughout this Decision and Order.

1 conspiracy by Defendants to defraud him of his constitutional rights. ECF No. 8. The Amended  
2 Complaint has four causes of action, all of which pertains to § 1983: (1) Violation of Procedural  
3 Due Process under 42 U.S.C. § 1983 against Defendants in their official capacity for declaratory  
4 and injunctive relief, (2) Violation of Procedural Due Process under 42 U.S.C. § 1983 against  
5 Defendants in their individual capacity for damages, (3) Conspiracy to Violate Civil Rights  
6 under 42 U.S.C. § 1983, and (4) Violation of Equal Protection under 42 U.S.C. § 1983. *See id.* at  
7 43-50, ¶¶ 127-166.

8 Plaintiff sued for declaratory and injunctive relief to clarify his rights and to prevent  
9 Defendants from enforcing any fraudulent instruments. *Id.* at 50-53, ¶¶ 1-2. Plaintiff also seeks  
10 compensatory damages, punitive damages, attorney’s fees and costs,<sup>2</sup> pre-judgment and post-  
11 judgment interest, evidentiary findings, jury trial, and additional relief. *Id.* at 53-58, ¶¶ 3-9. On  
12 November 10, 2025, Plaintiff filed a Motion for Expedited Order on Screening and Compulsory  
13 Clarification where he asked the court “for an immediate and expedited order resolving the  
14 pending screening of his Amended Verified Civil Rights Complaint.” ECF No. 10.

## 15 **B. FACTUAL BACKGROUND<sup>3</sup>**

16 In 2010, Plaintiff moved into the Subject Property, Lot No. 3417-1-4, Unit A. ECF No. 8,  
17 at 13, ¶ 40. From the time he moved in, until the time he was evicted in December of 2021,  
18 Plaintiff paid the property taxes, maintained the utilities, and improved the Subject Property. *Id.*  
19 at ¶ 42A. At the time he moved in, Juanita Perez Quitugua, his grandmother, owned the Subject  
20 Property.<sup>4</sup> *Id.* at 13, ¶ 40. She continued to own the Subject Property until 2013, when she

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21  
22 <sup>2</sup> Plaintiff asks the court to “[a]ward reasonable attorney’s fees pursuant to 42 U.S.C. § 1988, should Plaintiff retain  
counsel or for time spent as pro se litigant.” ECF No. 8, at 56, ¶ 5.

23 <sup>3</sup> For the purposes of this order, the court takes Plaintiff’s factual allegations as true.

24 <sup>4</sup> Attorney Jay Arriola drafted deeds for Juanita, including legitimate deeds for Juanita’s properties, on November  
25, 2002. ECF No. 8, at 19, ¶ 57.

1 allegedly deeded it to Genedine Perez Quitugua, her daughter and Plaintiff's aunt. *Id.* at 13, ¶  
2 42B. Genedine allowed Plaintiff to continue living on the Subject Property under the same  
3 arrangement as his grandmother, and they formalized their agreement through a lease signed on  
4 March 27, 2017. *Id.* At 13, ¶ 42C. Plaintiff contends Genedine remains the rightful owner of the  
5 Subject Property as Raymond Perez Quitugua, Plaintiff's father, confirmed during child support  
6 proceedings before the local court on April 4, 2016, that he had no ownership interest in it. *Id.* at  
7 15, ¶ 46.

8 On May 6, 2016, Donna Quitugua, Plaintiff's stepmother, purportedly executed a  
9 fraudulent Deed of Gift (Instrument No. 892471) which transferred Raymond Quitugua's  
10 supposed interest in the Subject Property to Ryan C.P. Quitugua, Plaintiff's stepbrother. *Id.* at 16,  
11 ¶ 51, 53. Donna was both aware of Raymond's testimony from the local court proceedings, and  
12 of the fact that Raymond was "gravely ill" in the hospital. *Id.* at 15-16, ¶ 46, 51.

13 Lisa P. Cruz, Donna's Quitugua's sister, then replaced earlier legitimate deeds<sup>5</sup> with false  
14 deeds that fraudulently conveyed the Subject Property to Raymond instead of Genedine as part  
15 of the conspiracy sometime between May 2016 and September 2017. *Id.* at 19, ¶ 58. She  
16 "substitute[ed] forgeries to create a false chain of title supporting Donna's fraudulent scheme."  
17 *Id.* at 20, ¶ 61.

18 In September of 2017, Donna Quitugua filed a complaint with the Office of the Attorney  
19 General to determine the ownership of the Subject Property but omitted the fraudulent  
20 instruments. *Id.* at 20, ¶ 62. During the Special Proceedings Case No. SP0162-17, Genedine  
21 argued through her attorney that the property belonged to her, but the court ultimately ruled  
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24 <sup>5</sup> See *supra* note 4.

1 against her and in favor of Raymond’s estate. *Id.* at 20-21, ¶¶ 63-69. Genedine appealed.<sup>6</sup> *Id.* at ¶  
2 71.

3 On March 3, 2020, Donna and Ryan Quitugua filed an unlawful detainer claim against  
4 Plaintiff in the Superior Court of Guam, Civil Case No. CV0221-20. *Id.* at 22, ¶ 73. The court  
5 asked Plaintiff at the hearing if he wanted a continuance to seek counsel, but Plaintiff declined.  
6 *Id.* at 23, ¶ 77. Instead, Plaintiff asked to proceed pro se, and the court granted the request. *Id.*  
7 Plaintiff presented several legal defenses, but, according to the Plaintiff, the judge eventually  
8 “shut down [his] presentation and refused to allow him to continue.” *Id.* at 24, ¶ 80.

9 At the same hearing, Donna is alleged to have “presented a fabricated Certificate of Title  
10 listing Ryan C.P. Quitugua as owner, contradicting DLM’s official record.” *Id.* at 40, ¶ 113. In  
11 addition, Plaintiff alleges that Donna’s attorney, F. Randall Cunliffe, sought to introduce the  
12 alleged fraudulent Deed of Gift (Instrument No. 892471). *Id.* at 24, ¶ 81. Plaintiff objected and  
13 the court informed him “only licensed attorneys could make objections, present evidence, or  
14 assert defenses.” *Id.* at 24, ¶ 82. The altered document that Attorney F. Randall Cunliffe  
15 allegedly submitted to the court contained a fraudulent notarization from Nacrina Mendiola. *Id.*  
16 at 27, ¶ 90a. Plaintiff was evicted and, on December 19, 2021, he “discovered the **original,**  
17 **unaltered** version of Instrument No. 892471 at the Department of Land Management. This  
18 document contained the **notarial certification** section that Attorney Cunliffe had **removed** from  
19 the version submitted to the court on March 16, 2020.”<sup>7</sup> *Id.* at 30, ¶ 97a (emphasis added).  
20 Hence, Plaintiff discovered that the “notarization was therefore legally invalid, rendering the  
21 deed void.” *Id.*

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22 <sup>6</sup> Plaintiff did not participate in these proceedings. ECF No. 8, at 22, ¶ 72.

23 <sup>7</sup> In his Amended Complaint, Plaintiff asserted on two different occasions that he had access to the “original,  
24 unaltered version” of Instrument 892471 in 2021. ECF No. 8, at 33, ¶ 97a, ¶ 97j. Plaintiff also acknowledged on two  
separate occasions that he “reported notarization fraud in December 2021.” ECF No. 8, at 42, ¶ 120.

1 On December 21, 2021, Plaintiff filed a police report, and a day later, on December 22,  
2 2021, he filed a consumer complaint with the Office of the Attorney General Consumer  
3 Protection Division “regarding the **fraudulent notarization.**” *Id.* at 30, ¶ 97b-c (emphasis  
4 added). The Office of the Attorney General confirmed the illegitimacy of Instrument No.  
5 892471, yet they did not prosecute according to the Plaintiff. *Id.* at 30, ¶ 97d. When they refused  
6 to investigate further or prosecute, Plaintiff emailed the police and the Office of the Attorney  
7 General thirty-six times from “**December 2021 through June 2024.**” *Id.* at 31, ¶ 97c (emphasis  
8 added).

9 On January 15, 2025, Attorney Jay Arriola reportedly informed Plaintiff that two of the  
10 instruments relied upon in the record were fraudulent, and at this point, Plaintiff became aware  
11 of the “full scope of the fabrication.” *Id.* at 39, ¶ 104, 108. Plaintiff then filed his initial  
12 complaint in this matter before the court on September 17, 2025. ECF No. 1.

## 13 **II. DISCUSSION**

### 14 **A. SCREENING THE COMPLAINT**

15 Plaintiff filed an Amended Application to Proceed without Prepayment of Fees and the  
16 court granted it. ECF Nos. 5, 6. As a result, the court must screen Plaintiff’s Complaint before  
17 allowing the case to proceed. *See Lopez v. Smith*, 203 F.3d 1122, 1126-27 (9th Cir. 2000).

#### 18 **1. Jurisdiction**

19 The court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the  
20 Complaint alleges deprivations of rights secured by the Constitution under 42 U.S.C. § 1983.

#### 21 **2. Standard of Review**

22 As stated in the court’s prior Decision and Order, ECF No. 6, pursuant to 28 U.S.C. §  
23 1915(e), the court is required to review a complaint and dismiss it if the action is “frivolous or  
24 malicious,” “fails to state a claim upon which relief may be granted,” or “seeks monetary relief

1 against a defendant who is immune from such relief.” 28 U.S.C § 1915(e)(2)(B)(i)-(iii); *Lopez*,  
2 203 F.3d at 1126-27. A complaint must contain a short and plain statement that the plaintiff is  
3 entitled to relief, along with “enough facts to state a claim to relief that is plausible on its face.”  
4 FED. R. CIV. P. 8(a)(2); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *Nagrampa v.*  
5 *MailCoups, Inc.*, 469 F.3d 1257, 1264 n.2 (9th Cir. 2006). The court must accept all allegations  
6 of material fact as true and construe those facts in the light most favorable to the plaintiff. *See*  
7 *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998). Although a plaintiff is not required  
8 to provide detailed allegations, legal conclusions are insufficient. *See Ashcroft v. Iqbal*, 556 U.S.  
9 662, 678 (2009) (“Threadbare recitals of the elements of a cause of action, supported by mere  
10 conclusory statements, do not suffice.”). Additionally, in an action brought under Section 1983, a  
11 plaintiff must allege that each defendant personally participated in the deprivation of his rights.  
12 *See Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002).

13         When a plaintiff is *pro se*, the court must liberally construe the allegations in a complaint.  
14 *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (“A document filed *pro se* is to be liberally  
15 construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent  
16 standards than formal pleadings drafted by lawyers.”) (internal quotation marks and citation  
17 omitted); *Hebbe v. Pliler*, 627 F.3d 338, 342 n.7 (9th Cir. 2010). Nonetheless, *pro se* litigants  
18 “should not be treated more favorably than parties with attorneys of record,” *Jacobsen v. Filler*,  
19 790 F.2d 1362, 1364 (9th Cir. 1986); rather, they must follow the same rules of procedure that  
20 govern other litigants. *Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995). In particular, “a liberal  
21 interpretation of a civil rights complaint may not supply essential elements of the claim that were  
22 not initially pled.” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 1257 (9th Cir. 1997)  
23 (internal quotation marks omitted).

### 1 III. ANALYSIS

#### 2 A. STATUTE OF LIMITATIONS

3 Section 1983 of the Civil Rights Act “does not contain its own statute of limitations.”  
4 *Flynt v. Shimazu*, 940 F.3d 457, 461 (9th Cir. 2019). Rather, federal courts look to the state’s  
5 statute of limitations in personal injury cases for its statute of limitations. *See Nance v. Ward*,  
6 597 U.S. 159, 174 (2022). In Guam, the local statute of limitations in the personal-injury statute  
7 is two years. *See Ngiraingas v. Sanchez*, 858 F.2d 1368, 1375 (9th Cir. 1988), *aff’d on other*  
8 *grounds* by 495 U.S. 182 (1990), *abrogated on other grounds as recognized by Paeste v. Gov’t*  
9 *of Guam*, 798 F.3d 1228, 1237 (9th Cir. 2015); 7 G.C.A. § 11306.

10 Federal courts further borrow the state’s tolling rules. *Soto v. Sweetman*, 882 F.3d 865,  
11 871 (9th Cir. 2018). Guam law recognizes equitable tolling of the statute of limitations in cases  
12 alleging fraud. *See Taitano v. Calvo Finance Corp.*, 2008 Guam 12, 15 (Guam 2008) (quoting  
13 *Gayle v. Hemlani*, 2000 Guam 25, ¶ 24 (Guam 2000)) (holding that in cases of fraud, “the statute  
14 of limitations will begin to run when the plaintiff suspects or should suspect that his injury was  
15 caused by wrongdoing or that someone has done something wrong to him.”); 7 G.C.A. §  
16 11306(d). Federal courts, however, apply federal law when determining the accrual date for  
17 statute of limitations in Section 1983 claims. *Wallace v. Kato*, 549 U.S. 384, 388 (2007). The  
18 general rule is “that a cause of action accrues when the plaintiff knows or has reason to know of  
19 the injury that is the basis of the action and the cause of that injury.” *Gregg v. Hawaii, Dep’t of*  
20 *Public Safety*, 870 F.3d 883, 887 (9th Cir. 2017); *TwoRivers v. Lewis*, 174 F.3d 987, 991 (9th  
21 Cir. 1999) (“Under federal law, a claim accrues when the plaintiff knows or has reason to know  
22 of the injury which is the basis of the action.”).

23 Here, Plaintiff’s own allegations in his Amended Complaint make clear that he was well  
24 aware of the fraud before the applicable two-year statute of limitations. Plaintiff stated that he

1 found the fraud on December 19, 2021, when he “discovered the **original, unaltered** version of  
2 Instrument No. 892471 at the Department of Land Management. This document contained the  
3 **notarial certification** section that Attorney Cunliffe had **removed** from the version submitted to  
4 the court on March 16, 2020.” ECF No. 8, at 30, ¶ 97a (emphasis added). He repeated this  
5 allegation later in his Amended Complaint when he said that he found the “original, unaltered  
6 version” of Instrument 892471 in 2021. ECF No. 8, at 33, ¶ 97j. Furthermore, Plaintiff described  
7 at length how he reported this fraud to the Office of the Attorney General Consumer Protection  
8 Division on December 22, 2021. *Id.* at 30, ¶ 97c; *id.* at 42, ¶ 120. From 2021 through 2024,  
9 Plaintiff sent thirty-six emails to the Office of the Attorney General Consumer Protection  
10 Division and the Guam Police urging them to investigate this alleged fraudulent conspiracy. *Id.*  
11 at 31, ¶ 97c.

12 Plaintiff did not file the Complaint with this court until September 17, 2025. ECF No. 1.  
13 Plaintiff may not have been aware of the fraud inflicted upon him when his family members  
14 allegedly created false instruments between May 2016 and September 2017, or when Genedine  
15 and her attorney allegedly used fraudulent documents in court in 2020, or when the court  
16 allegedly failed to investigate the instruments and deed, but he was certainly aware, by his own  
17 admission of the fraud as early as December 19, 2021. ECF No. 8, at 30, ¶ 97a. Plaintiff’s claims  
18 were tolled until, at the latest, December 19, 2021, and no longer than that.

19 Plaintiff contends that the statute of limitations was equitably tolled until January 15,  
20 2025, when Attorney Jay Arriola confirmed the fraudulent instruments and Plaintiff became  
21 aware of the “fraud’s full extent.” *Id.* at 9, ¶ 26; 40, ¶ 109. As the case law makes clear, the  
22 “cause of action accrues when the plaintiff knows or has reason to know of the injury that is the  
23 basis of the action and the cause of that injury.” *Gregg*, 870 F.3d at 887. Plaintiff knew of the  
24 alleged fraud well before Attorney Jay Arriola confirmed the “full extent” to him. In fact,

1 Plaintiff was sending voluminous emails to the Office of the Attorney General asking them to  
2 investigate and prosecute the alleged fraud for years before Attorney Jay Arriola confirmed it to  
3 him. Plaintiff was aware of the injury that gave rise to his claims in 2021, and he has not pursued  
4 it this court in a timely manner.

5 The court can dismiss a complaint when the facts within the complaint “support the  
6 conclusion that the plaintiff could not prevail, as a matter of law, on the equitable tolling issue.”  
7 *Cervantes v. City of San Diego*, 5 F.3d 1273, 1276 (9th Cir.1993). Moreover, any further  
8 amendment to the Amended Complaint would be futile as nothing can change when Plaintiff  
9 learned of the fraud underlying his injury or when he filed this action in this court. Accordingly,  
10 Plaintiff’s claims in the Amended Complaint are dismissed with prejudice: (1) Violation of  
11 Procedural Due Process – 42 U.S.C. § 1983 (Against Defendants in Official Capacity for  
12 Prospective Relief Only), (2) Violation of Procedural Due Process – 42 U.S.C. § 1983 (Against  
13 Individual Capacity Defendants for Damages), (3) Conspiracy to Violate Civil Rights – 42  
14 U.S.C. § 1983, and (4) Violation of Equal Protection – 42 U.S.C. § 1983.

### 15 **B. Rule 11 Violations**

16 Courts can sanction parties or their attorneys for “bad faith or conduct tantamount to bad  
17 faith.” *Fink v. Gomez*, 239 F.3d 989, 994 (9th Cir. 2001). As the Ninth Circuit has recently  
18 discussed in *Grant v. City of Long Beach*, 96 F.4th 1255, 1256 (9th Cir. 2024), courts can  
19 sanction parties for a brief “replete with misrepresentations and fabricated case law.” (The  
20 sanction on appeal was for failure to comply with Federal Rule of Appellate Procedure 28). The  
21 circuit highlighted how the party’s brief cited case law that did not support the claims that they  
22 were making and also had quotations that did not exist. *Id.* (“The words ‘parent’ and ‘child’  
23 appear nowhere in the [cited] opinion.”).

24 Analogously, Plaintiff here misquotes *Henrichs v. Valley View Dev.*, 474 F.3d 609 (9th

1 Cir. 2007), *Kougasian v. TMSL, Inc.*, 359 F.3d 1136 (9th Cir. 2004), and *Leadsinger, Inc. v.*  
2 *BMG Music Publ'g*, 512 F.3d 522 (9th Cir. 2008). ECF No. 8, at 4, ¶ 15; 7, ¶ 21. Plaintiff  
3 claimed *Henrichs* stated “when the source of the injury is the defendant’s conduct, not the  
4 adverse state court judgment” but that statement appears nowhere in the opinion. The word  
5 “source” does not appear in the text once. Plaintiff claimed *Kougasian* stated “the gravamen of  
6 [Plaintiff’s] complaint is not that the state court erred, but that [Defendants] engaged in a  
7 conspiracy” but that statement appears nowhere in the opinion. The word “gravamen” does not  
8 appear in the text once. Lastly, Plaintiff claimed *Leadsinger, Inc.* stated “[a] continuing violation  
9 is occasioned by continual unlawful acts, not by continual ill effects from an original violation”  
10 but, once again, that statement appears nowhere in the opinion. Again, the word “continual” does  
11 not appear in the text once. Plaintiff’s imaginary quotes not only misstate the law but also waste  
12 the court’s valuable time and resources.

13 Separately, the court could not find *Mangiaracina v. Penthouse Int’l, Ltd.*, 849 F.2d  
14 1279,1281 (9th Cir. 1988) on either the Westlaw or Lexis databases and it suspects that this may  
15 be an AI-fabricated case. *Id.* at 9, ¶ 26. The court does not know for certain whether this is an AI-  
16 fabricated case, but, unrepresented parties, like represented parties, are bound to only include  
17 “legal contentions” “warranted by existing law.” Fed. R. Civ. P. 11(b)(2). Plaintiff is required to  
18 cite cases that are in existence.

19 As noted above, courts can impose sanctions on parties that violate this rule. Fed. R. Civ.  
20 P. 11(c). At this time, the court will not impose any sanctions for Rule 11 violations, but the  
21 court cautions Plaintiff to review any future pleadings he files with the court for accuracy as  
22 required by Rule 11.

1 **IV. CONCLUSION**

2 For the foregoing reasons, the court **DISMISSES** Plaintiff's Amended Complaint with  
3 prejudice. The court further admonishes Plaintiff for his lack of compliance with Rule 11.

4 **SO ORDERED.**



*Frances M. Tydingco-Gatewood*  
/s/ **Frances M. Tydingco-Gatewood**  
**Chief Judge**  
**Dated: Dec 03, 2025**