

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ROBERT W. JOHNSON,

Plaintiff,

v.

No. 1:23-cv-00723-LF

DONALD J. TRUMP, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER
TO FILE AMENDED COMPLAINT AND TO CURE DEFICIENCY**

THIS MATTER comes before the Court on *pro se* Plaintiff's Complaint, Doc. 1, filed August 28, 2023, and Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form), Doc. 2, filed August 28, 2023.

Order for Amended Complaint

Plaintiff asserts claims against Donald J. Trump, Rudy Giuliani, Vladimir Putin, Facebook, Meta, Twitter and others stating: "All defendants committed identity theft, fraud, U.S. Constitutional violations, RICO acts and due process violations against [Plaintiff]." Complaint at 2-3. There are no other factual allegations in the Complaint.

The Complaint fails to state a claim upon which relief can be granted. Although the Complaint contains the conclusory allegation that Defendants committed various vague acts, "conclusory allegations without supporting factual averments are insufficient to state a claim on which relief can be based." *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). "[T]o state a claim in federal court, a complaint must explain what each defendant did to him or her; when the defendant did it; how the defendant's action harmed him or her; and, what specific legal right the plaintiff believes the defendant violated." *Nasious v. Two Unknown B.I.C.E. Agents, at Arapahoe*

County Justice Center, 492 F.3d 1158, 1163 (10th Cir. 2007). The Complaint does not explain what each Defendant did to Plaintiff and when they did it.

This case can be dismissed because the Complaint fails to state a claim over which the Court has jurisdiction. The Court orders Plaintiff to file an amended complaint.

Order to Cure Deficiency

Plaintiff filed a motion to proceed *in forma pauperis* using the form “Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form).” *See* Doc. 2, filed July 13, 2023 (“Short Form Application”). The Short Form Application does not provide sufficient information for the Court to determine whether a plaintiff is unable to pay the required fees. The Court requires plaintiffs seeking to proceed without prepaying fees to file an “Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)” (“Long Form Application”). The Court orders Plaintiff to file a Long Form Application.

Case Management

Generally, *pro se* litigants are held to the same standards of professional responsibility as trained attorneys. It is a *pro se* litigant’s responsibility to become familiar with and to comply with the *Federal Rules of Civil Procedure* and the *Local Rules of the United States District Court for the District of New Mexico* (the “Local Rules”).

Guide for Pro Se Litigants at 4, United States District Court, District of New Mexico (October 2022). The Local Rules, the Guide for Pro Se Litigants and a link to the Federal Rules of Civil Procedure are available on the Court’s website: <http://www.nmd.uscourts.gov>.

IT IS ORDERED that:

- (i) Plaintiff shall, within 21 days of entry of this Order, file an amended complaint.

Failure to timely file an amended complaint may result in dismissal of this case.

- (ii) Plaintiff shall, within 21 days of entry of this Order, file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form). Failure to timely file a Long Form Application *or* failure to follow all instructions in the Long Form Application may result in denial of Plaintiff's motion to proceed without prepaying fees or costs.
- (iii) The Clerk shall send to Plaintiff a copy of this Order and an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form).



UNITED STATES MAGISTRATE JUDGE