

UNITED STATES COURT OF APPEALS

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U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

OCT 05 2009

MATTHEW ROBERT YOUNG,
Plaintiff-Appellant,

Vs.

INTEL CORPORATION; STEVE JOBS,
Defendant-Appellees.

No. 09-35790

D.C. No. 3:08-cv-01496-BR

District of Oregon - Portland

FILED _____
DOCKETED _____
DATE _____
INITIAL _____MOTION TO SHOW CAUSE
WHY THIS APPEAL SHOULD
BE ALLOWED TO PROCEED

COMES NOW, Plaintiff- appellant, and moves to comply with the order by Deputy Clerk, **Cytharee K. Powells**, issued out of this Ninth Circuit Court of Appeals, Directing Plaintiff-Appellant to show cause why this Appeal should not summarily affirmed.

This Appeal should be allowed because the District Court erred when it dismissed this civil action without allowing Plaintiff-Appellant the time or chance to prove for the District Court the facts of his claims raised in the complaint, when Plaintiff-Appellant did in fact request an Evidentiary Hearing in the complaint, where in Plaintiff-Appellant would in fact prove as required by **FRCP Rule 11**, the facts that he raised in his complaint. See Complaint Pages 6, 7, & 8.

The precedent case laws of the **United States Supreme Court**, and of the **Ninth Circuit Court of Appeals**, mandate that a pro se prisoner complaint may not be dismissed, except where it appears that the prisoner can not prove any set of facts establishing his as claims of facts. And when a pro se prisoner does allege facts that if

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Matthew R. Young
SID NO. 6242666
777 Stanton Blvd.
Ontario, OR 97914

proven **would entitle** him to the **relief** sought in the complaint, then his complaint may not be dismissed.

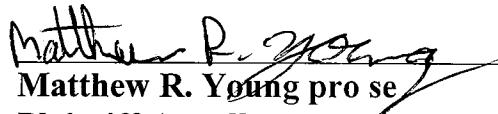
Here this pro se prisoner, the Plaintiff-Appellant in this Appellate case, has in fact presented claims and facts that he can in fact come before any court of law, and prove by a preponderance of the evidence, all of the claims raised in his complaint.

THEREFORE

Base on the foregoing statements of facts above, and found on the face on the District Court record, this pro se Plaintiff-Appellant (**prisoner**), Respectfully Request that his Appeal, be allowed to proceed.

Respectfully Submitted

Executed on this 1st, Day on **September, 2009**.


Matthew R. Young pro se
Plaintiff-Appellant

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