

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

**MOTION TO SHOW CAUSE  
WHY THIS APPEAL SHOULD  
BE ALLOWED TO PROCEED**

FILED \_\_\_\_\_  
DOCKETED \_\_\_\_\_ DATE \_\_\_\_\_ INITIAL \_\_\_\_\_

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

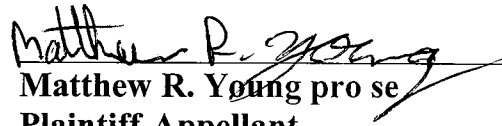
Here this pro se prisoner, the Plaintiff-Appellant in this Appellate case, has in fact presented claims and facts that he can in fact come before any court of law, and prove by a preponderance of the evidence, all of the claims raised in his complaint.

**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 1<sup>st</sup>, Day on **September, 2009.**

  
**Matthew R. Young pro se**  
**Plaintiff-Appellant**

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