

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

TRAVIS J. WESTFORD,

Plaintiff,

vs.

F/V ST. TERESA, Official Number
623983her Tackle, Gear,
Appurtenances, Apparel, Equipment,
Permits, Liscenses, Fishing Rights,
Etc.,*In Rem*,

Defendant.

Case No. 3:11-cv-00116-JWS-JDR

ORDER REGARDING
SUFFICIENCY OF COMPLAINT

Docket 1

The Plaintiff filed his *Verified Complaint In Rem for Personal Injuries, Maintenance and Cure and Unseaworthiness* at Docket 1. Therein, Plaintiff claims he suffered injury due to the unseaworhtiness of the Vessel St. Teresa. He does not, however, provide any more than a conclusory statement to support his allegation.¹

¹*Verified Complaint*, Docket 1, p. 2 (“While in the scope of employment aboard the defendant vessel, and as a result of unseaworthiness of defendant vessel, the plaintiff suffered a serious injury to his left arm, hand and fingers, and

Plaintiff has requested the Court issue a Warrant for the Arrest of the Defendant Vessel. Prior to the arrest of a vessel, the complaining party must make a prima facie showing of negligence or unseaworthiness. In *Ashcroft v. Iqbal*, the Supreme Court held that “[a] pleading that offers ‘labels and conclusions’ or ‘a formulaic recitation of the elements of a cause of action will not do.’ Nor does a complaint suffice if it tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’”² The Plaintiff here must give the court more than conclusory statements regarding the causation of his injury.

The Plaintiff is ordered to file forthwith an amended Verified Complaint alleging with more specificity, and in compliance with *Iqbal*, the negligence and/or unseaworthiness that allegedly caused his injury. The Court will not issue the requested Arrest Warrant until the allegations in the Complaint are sufficient to satisfy the cited case precedent.

IT IS SO ORDERED.

DATED this 10th day of August, 2011, at Anchorage, Alaska.

/s/ John D. Roberts
JOHN D. ROBERTS
United States Magistrate Judge

other injuries as may be proven at trial, when on or around June 22, 2008, he suffered a partially severed finger.”).

²129 S.Ct. 1937, 1950 (2009) (citations omitted).