

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

KENNETH HARRY,

Plaintiff,

v.

THE ALASKA PAROLE BOARD, *et al.*,

Defendants.

Case No. 3:21-cv-00190-JMK

**ORDER RE: MOTION FOR CLARIFICATION &
REQUEST FOR STATUS HEARING**

At Docket 4, Mr. Harry requests the Court set a status hearing so that he can inquire whether this case is proceeding under 42 U.S.C. § 1983 or the Supremacy Clause. At present, Mr. Harry has not submitted the filing fee or the appropriate waiver, and no operative complaint exists in this action. The case does not “proceed” on any claims. Mr. Harry has been granted leave to file a proper complaint. Further, the Court cannot advise on Mr. Harry’s litigation—it only may rule on the cases or controversies before it.¹ Therefore, a hearing in this matter is inappropriate. The Motion for Clarification & Request for Status Hearing at Docket 4 is **DENIED**.

¹ *Muskrat v. United States*, 219 U.S. 346 (1911) (quoting *In re Pac. Ry. Comm’n*, 32 F. 241, 255 (C.C.N.D. Cal. 1887) “Whenever the claim of a party under the constitution, laws, or treaties of the United States takes such form that the judicial power is capable of acting upon it, then it has become a case. The term implies the existence of present or possible adverse parties whose contentions are submitted to the court for adjudication.”).

The Court sent Mr. Harry a standard form to assist in his pleading. He may plead whatever legal theories or claims he believes he has, regardless of the title of the form. The Clerk of Court is directed to provide Mr. Harry PS 22 Pro Se General Complaint with a copy of this Order.

DATED this 7th day of September, 2021, at Anchorage, Alaska.

/s/ Joshua M. Kindred

JOSHUA M. KINDRED

UNITED STATES DISTRICT JUDGE