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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Frederick Minix, Denise Minix,
Plaintiffs,
vs.
William Jennings, Joe Arredondo,
Cameron Payne, Anthony Moreno .
Defendants.

No. CV 10-1451-PHX-MHM

ORDER

Pending before the Court is Plaintiffs’ Motion for Leave to Proceed In Forma Pauperis. (Doc. # 4). The Court has screened Plaintiffs’ Complaint pursuant to 28 U.S.C. § 1915(e)(2) and will dismiss it for failure to state a claim. “[S]ection 1915(e) not only permits but requires a district court to dismiss an in forma pauperis complaint that fails to state a claim.” Lopez v. Smith, 203 F.3d 1122, 1127 (9th Cir. 2000).

Rule 8(a) of the Federal Rules of Civil Procedure requires that:

A pleading which sets forth a claim for relief, whether an original claim, counter-claim, cross-claim, or third-party claim, shall contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, unless the court already has jurisdiction and the claim needs no new grounds of jurisdiction to support it, (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief the pleader seeks. Relief in the alternative or of several different types may be demanded.

1 Here, Plaintiffs' Complaint plainly fails to state a claim for relief. The Complaint
2 contains several obvious legal flaws that render the Court unable to currently grant Plaintiffs'
3 request to proceed IFP. By way of example, Plaintiffs have sued Defendant William
4 Jennings under A.R.S. § 12-511, A.R.S. § 13-420, A.R.S. § 13-2311, A.R.S. § 13-1802A5,
5 18 U.S.C. § 1001, A.R.S. § 13-1802, and A.R.S. § 13-2002. The Court notes that private
6 civil plaintiffs may not bring suit in federal court against civil defendants for violations of
7 federal or state criminal statutes. As such, Plaintiffs' claims against Jennings brought under
8 18 U.S.C. § 1001, A.R.S. § 13-2311, A.R.S. § 13-1802A5, and A.R.S. § 13-2002 must all
9 fail as a matter of law. In addition, the Court appears to lack jurisdiction to hear Plaintiffs'
10 claim under A.R.S. § 12-511. Plaintiffs should be aware that Article III, Section 2 of the
11 United States Constitution as well as 28 U.S.C. § 1332, prevent federal courts from
12 adjudicating lawsuits where the Court lacks "diversity jurisdiction." It is not altogether clear
13 how this Court would have diversity jurisdiction over Plaintiffs' remaining civil claims, when
14 the Complaint does not attempt to set forth the citizenship of the Parties.

15 As such, the Court will give Plaintiffs one opportunity to amend their Complaint.
16 Plaintiff must:

17 make clear his allegations in short, plain statements with each claim for relief
18 identified in separate sections. In the amended complaint, [Plaintiff] must
19 write out the rights he believes were violated, the name of the person who
20 violated the right, exactly what that individual did or failed to do, how the
21 action or inaction of that person is connected to the violation of [Plaintiff's]
22 rights, and what specific injury [Plaintiff] suffered because of the other
23 person's conduct. See Rizzo v. Goode, 423 U.S. 362, 371-72, 377 (1976).
Each claim of an alleged violation must be set forth in a separate count. Any
amended complaint filed by [Plaintiff] must conform to the requirements of
Rules 8(a) and (e)(1) of the Federal Rules of Civil Procedure.

23 Kennedy v. Andrews, 2005 WL 3358205, *3 (D. Ariz. 2005).

24 **Accordingly,**

25 **IT IS ORDERED** dismissing Plaintiffs' Complaint without prejudice for failure to
26 comply with Federal Rule of Civil Procedure 8(a). (Doc. #1)

27 **IT IS FURTHER ORDERED** denying as moot Plaintiffs' Motion to Proceed in
28 Forma Pauperis (Doc. # 4).

