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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

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9 Lawanda Denise Meabon,
10 Plaintiff,

No. CV11-0940-PHX-DGC

11 vs.

ORDER

12 State of Arizona, et al.,
13 Defendants.

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15 Plaintiff moves to proceed in forma pauperis. Doc. 3. For the reasons that follow,
16 the Court will deny the motion.

17 Federal civil proceedings in forma pauperis are governed by 28 U.S.C. § 1915.
18 Although the statute on its face applies to actions involving prisoners, this circuit has
19 applied it to civil cases involving non-prisoners. *E.g., Tripati v. First Nat'l Bank &*
20 *Trust*, 821 F.2d 1368, 1369-70 (9th Cir. 1987). An applicant for in forma pauperis status
21 must credibly show that she is unable to pay court costs and that her action has merit. *Id.*
22 A complaint that fails to state a claim lacks merit. *Id.* at 1370; *see Lopez v. Smith*, 203
23 F.3d 1122, 1127 (9th Cir. 2000) (en banc) (“It is . . . clear that section 1915(e) not only
24 permits but requires a district court to dismiss an in forma pauperis complaint that fails to
25 state a claim.”). Pro se complaints must be construed liberally, and dismissals for failure
26 to state a claim cannot be with prejudice unless it is absolutely clear amendment would
27 be futile. *Tripati*, 821 F.2d at 1370. The complaint in this case, construed liberally, fails
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1 to plead enough facts from which the Court may conclude Plaintiff has a plausible claim
2 for relief.

3 As a threshold matter, the complaint is peppered in large part with formalistic
4 language that appears to have little or no bearing on this case. The statutes under which
5 the complaint appears to be brought, 18 U.S.C. §§ 241 and 242, are criminal statutes.
6 This is a civil complaint, however, and Plaintiff has not shown the cited statutes provide a
7 civil remedy in light of the facts alleged. Plaintiff also invokes this Court’s admiralty
8 jurisdiction, but fails to plead facts showing this jurisdiction is applicable. Plaintiff’s
9 statements about debts and secured party creditor rights are confusing, as no facts have
10 been pled alleging that any party has a debt. Moreover, Plaintiff’s statements about IRS
11 1099-A forms are equally confusing, as no facts have been pled showing the relevance of
12 these forms. The allegations that Plaintiff is a “foreign agent” acting for a “foreign state”
13 appear to be frivolous.

14 The only colorable allegations in Plaintiff’s complaint appear to be that she was
15 charged with driving on a suspended driver’s license, that she was acquitted, that these
16 charges stemmed from racial profiling, and that there was a conspiracy to violate her
17 constitutional rights. Doc. 1 at 3-4. Plaintiff may be trying to state a claim under 42
18 U.S.C. §§ 1983 and 1985, but she has not pled sufficient facts to state plausibly that the
19 charges were racially-motivated or that there was an agreement to interfere with her civil
20 rights. Assuming Plaintiff’s factual allegations are true – that she is part of a protected
21 class, was charged with a traffic violation, and was acquitted of the charge – the Court
22 has no factual basis from which to conclude that the arresting officers, the prosecutors, or
23 other defendants acted as they did because of Plaintiff’s race, that race was a factor
24 motivating the actions, or that there existed a conspiracy to interfere with Plaintiff’s civil
25 rights. Nor does Plaintiff show how the alleged acts themselves – stopping a motorist
26 suspected of driving with a suspended license – violated the constitution or federal law
27 absent considerations of race.

28 The motion to proceed in forma pauperis is denied without prejudice because the

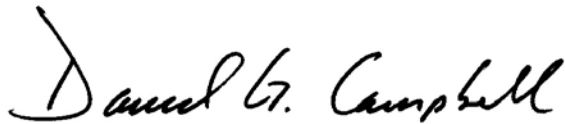
1 complaint fails to state a claim. Plaintiff may file an amended complaint that contains
2 clear facts stating what happened, why she believes that she was racially profiled or
3 discriminated against, and what constitutional or statutory rights she believes were
4 violated. To enhance the clarity of her allegations, Plaintiff should avoid using old-
5 fashioned or formalistic language – short, plain statements of fact should be sufficient.
6 *See* Fed. R. Civ. P. 8. Plaintiff may include references to the constitution, statutes, and
7 other sources for rights she believes were violated. Plaintiff may have until
8 **September 9, 2011**, to file an amended complaint. Plaintiff may also file a renewed
9 motion to proceed in forma pauperis after filing the amended complaint.

10 **IT IS ORDERED:**

11 1. Plaintiff's motion to proceed in forma pauperis (Doc. 2) is **denied** without
12 prejudice.

13 2. Plaintiff shall have until **September 9, 2011** to file an amended complaint.
14 The Clerk shall terminate this action without further notice if Plaintiff fails to comply
15 with this deadline.

16 Dated this 10th day of August, 2011.

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21 David G. Campbell
22 United States District Judge
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