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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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9 Patrick E. Nixon and Jean-Marie Nixon,  
10 Plaintiffs,

No. CV-11-1514-PHX-DGC

11 vs.

**ORDER**

12 Arizona Association of Manufactured  
13 Home Owners, Inc.,  
14 Defendant.

15  
16 Plaintiffs Patrick Nixon and Jean-Marie Nixon filed a complaint as pro-se litigants  
17 on August 3, 2011. Doc. 1. Defendant Arizona Association of Manufactured Home  
18 Owners, Inc. (“AAMHO”), also as pro-se litigant, filed an answer on October 4, 2011,  
19 requesting that the action be dismissed. Doc. 5 at 4. Defendant then secured counsel.  
20 Doc. 11. On November 21, 2011, Defendant filed a motion for judgment on the  
21 pleadings under Federal Rule of Civil Procedure 12(c). Doc. 14. Plaintiffs filed a  
22 response on December 5, 2011 (Doc. 16), and Defendant replied on December 16, 2011  
23 (Doc. 20). In their response, Plaintiffs attached numerous exhibits and provided factual  
24 details not included in the original complaint. Doc. 16.

25 **I. Legal Standards.**

26 A motion for judgment on the pleadings under Rule 12(c) is assessed under the  
27 same standard as a Rule 12(b)(6) motion to dismiss for failure to state a claim. *See*  
28 *Aldabe v. Aldabe*, 616 F.2d 1089, 1093 (9th Cir. 1980). A complaint must plead “enough

1 facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*,  
2 550 U.S. 544, 570 (2007). “The plausibility standard . . . asks for more than a sheer  
3 possibility that a defendant has acted unlawfully,” demanding instead sufficient factual  
4 allegations to allow “the court to draw the reasonable inference that the defendant is  
5 liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009).  
6 “[W]here the well-pleaded facts do not permit the court to infer more than the mere  
7 possibility of misconduct, the complaint has alleged – but it has not ‘show[n]’ – ‘that the  
8 pleader is entitled to relief.’” *Id.* at 1950 (citing Fed. R. Civ. P. 8(a)(2)).

9 In considering a motion for judgment on the pleadings, the Court cannot consider  
10 evidence outside the pleadings unless the Court treats the motion as a motion for  
11 summary judgment pursuant to Rule 56. Fed. R. Civ. P. 12(d). This Court will not treat  
12 the motion as one for summary judgment, and will not consider any material in Plaintiffs’  
13 response not provided in the original complaint.

14 Plaintiff’s complaint does not satisfy the pleading requirements set forth in  
15 *Twombly* and *Iqbal*. The only factual material provided in the complaint is Plaintiffs’ and  
16 Defendant’s addresses (Doc. 1 at ¶ 6, 9), that “Plaintiff, Patrick E. Nixon, is a male  
17 veteran with a disability” (*id.* at ¶ 7), and that “Plaintiff, Jean-Marie Nixon, is a Hispanic  
18 female with a disability” (*id.* at ¶ 8). The complaint does not allege the type of  
19 disabilities. The rest of the complaint includes conclusory allegations that the Defendant  
20 engaged in conduct that violates a laundry list of laws without providing any factual  
21 detail about what happened. The Court therefore will dismiss Plaintiffs’ complaint for  
22 failure to state a claim upon which relief may be granted.

## 23 **II. Leave to Amend.**

24 In the Ninth Circuit, pro se litigants are “entitled to notice of the complaint’s  
25 deficiencies and an opportunity to amend prior to dismissal of the action.” *Lucas v.*  
26 *Dep’t of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995); *see Cato v. United States*, 70 F.3d 1103,  
27 1106 (9th Cir. 1995) (same); *see also Flowers v. First Hawaiian Bank*, 295 F.3d 966, 976  
28 (9th Cir. 2002) (“We are very cautious in approving a district court’s decision to deny

1 pro se litigants leave to amend.”) (citing *Lucas*, 66 F.3d at 248-49); *Waters v. Young*,  
2 100 F.3d 1437, 1441 (9th Cir. 1996) (“As a general matter, this court has long sought to  
3 ensure that pro se litigants do not unwittingly fall victim to procedural requirements that  
4 they may, with some assistance from the court, be able to satisfy.”). Although the  
5 deadline for amending pleadings established in the Court’s Case Management Order has  
6 passed, the Court will grant Plaintiffs leave to amend their complaint.

7 The Court is required to give guidance to a pro se plaintiff regarding the  
8 deficiencies of dismissed claims in a complaint. *Karim-Panahi v. L.A. Police Dep’t*, 839  
9 F.2d 621, 625 (9th Cir. 1988) (“We do not . . . require the district court to act as legal  
10 advisor to the plaintiff. . . . However, the court must do more than simply advise the pro  
11 se plaintiff that his complaint needs to [comply with Rule 8]. . . . The district court is  
12 required to draft ‘a few sentences explaining the deficiencies.’”) (citations omitted).

13 For purposes of the amended complaint, Plaintiffs are directed to Rule 8 of the  
14 Federal Rules of Civil Procedure. Rule 8(a) provides that a complaint “shall contain (1) a  
15 short and plain statement of the grounds upon which the court’s jurisdiction depends, . . .  
16 (2) a short and plain statement of the claim showing that the pleader is entitled to relief,  
17 and (3) a demand for judgment for the relief the pleader seeks.” Fed. R. Civ. P. 8(a).  
18 These pleading requirements shall be set forth in separate and discrete paragraphs  
19 numbered in consecutive order. Each paragraph must be “simple, concise, and direct.”  
20 Fed. R. Civ. P. 8(d)(1).

21 Plaintiff is advised that vague references to discrimination are insufficient to  
22 satisfy the pleading requirements of Rule 8. The amended complaint must provide the  
23 factual basis for each claim and give Defendant “fair notice of what [Plaintiff’s] claim is  
24 and the grounds upon which it is based.” *Holgate v. Baldwin*, 425 F.3d 671, 676 (9th Cir.  
25 2005). This includes the specific legal theory supporting the claim. “Threadbare recitals  
26 of the elements of a cause of action, supported by mere conclusory statements, do not  
27 suffice.” *Iqbal*, 129 S. Ct. at 1949. The complaint must also show that Plaintiffs have  
28 complied with all required administrative proceedings.

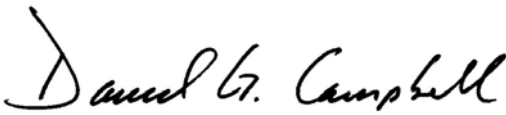
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**IT IS ORDERED:**

1. Defendants motion (Doc. 14) is **granted**. The Court concludes that Plaintiffs have failed to state a claim upon which relief may be granted.

2. Plaintiffs may file an amended complaint on or before February 24, 2012.

Dated this 9th day of February, 2012.



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David G. Campbell  
United States District Judge