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

8
9 Sarah Nathreen Nakanwagi,
10 Plaintiff,

No. CV-15-01596-PHX-JZB

ORDER

11 v.

12 Tenet Healthcare Corporation, et al.,
13 Defendants.

14
15 Pending before the Court is Plaintiff Sarah Nathreen Nakanwagi's Application to
16 Proceed in District Court Without Prepaying Fees or Costs (Doc. 2), which the Court will
17 grant. However, as detailed below, the Court will dismiss Plaintiff's Complaint (Doc. 1)
18 for failure to comply with Rules 8 and 10 of the Federal Rules of Civil Procedure. The
19 Court will allow Plaintiff leave to file an amended complaint.

20 **I. Application to Proceed in District Court Without Prepaying Fees or Costs**

21 In Plaintiff's Application for Leave to Proceed *in forma pauperis*, she declares
22 under penalty of perjury that she is unable to pay the filing fee and other costs associated
23 with this case. Plaintiff has presented financial information to support her Application.
24 Given Plaintiff's lack of significant income and assets, the Court will grant her
25 Application.

26 **II. Screening of IFP Complaints**

27 **a. Legal Standards**

28 For cases proceeding *in forma pauperis*, Congress provided that a district court

1 “shall dismiss the case at any time if the court determines” that the “allegation of poverty
2 is untrue” or that the “action or appeal” is “frivolous or malicious,” “fails to state a claim
3 on which relief may be granted,” or “seeks monetary relief against a defendant who is
4 immune from such relief.” 28 U.S.C. § 1915(e)(2); *see also Lopez v. Smith*, 203 F.3d
5 1122, 1126 n.7 (9th Cir. 2000) (noting that section 1915(e) applies to all *in forma*
6 *pauperis* complaints, not merely those filed by prisoners). Accordingly, “section 1915(e)
7 not only permits but requires a district court to dismiss an *in forma pauperis* complaint
8 that fails to state a claim.” *Lopez*, 203 F.3d at 1127.

9 Rule 8(a) of the Federal Rules of Civil Procedure provides that to state a claim for
10 relief, a complaint must contain (1) “a short and plain statement of the grounds for the
11 court’s jurisdiction,” (2) “a short and plain statement of the claim showing that the
12 pleader is entitled to relief,” and (3) “a demand for the relief sought.” The complaint also
13 must contain “sufficient factual matter, accepted as true, to ‘state a claim to relief that is
14 plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (*quoting Bell Atl.*
15 *Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

16 Further, “[e]ach allegation must be simple, concise, and direct.” Fed. R. Civ. P.
17 8(d)(1). “In order to assist litigants to understand” this requirement, “Rule 84 of the
18 Federal Rules of Civil Procedure provides samples in an Appendix of Forms, which are
19 ‘intended to indicate the simplicity and brevity of statements which the rules
20 contemplate.’” *Kennedy v. Andrews*, CV-05-2692-PHX-NVW, 2005 U.S. Dist. LEXIS
21 32518, at *2-3 (D. Ariz. Dec. 8, 2005) (*quoting McHenry v. Renne*, 84 F.3d 1172, 1177
22 (9th Cir.1996)). Examples of different types of claims are contained in Forms 10 through
23 21.

24 The complaint must also provide each defendant with a fair opportunity to frame a
25 responsive pleading. *McHenry*, 84 F.3d at 1176. Even where a complaint has the factual
26 elements of a cause of action present but scattered throughout and not organized into a
27 “short and plain statement of the claim,” the Court may dismiss the complaint for failure
28 to satisfy Rule 8. *Sparling v. Hoffman Constr. Co.*, 864 F.2d 635, 640 (9th Cir. 1988).

1 Dismissal of the complaint is appropriate if it is so “verbose, confused, and redundant
2 that its true substance, if any, is well disguised.” *Gillibeau v. City of Richmond*, 417 F.2d
3 426, 431 (9th Cir. 1969).

4 Additionally, Rule 10(b) of the Federal Rules of Civil Procedure requires that:

5 A party must state its claims or defenses in numbered paragraphs, each
6 limited as far as practicable to a single set of circumstances. A later
7 pleading may refer by number to a paragraph in an earlier pleading. If
8 doing so would promote clarity, each claim founded on a separate
transaction or occurrence—and each defense other than a denial—must be
stated in a separate count or defense.

9 **b. Plaintiff’s Complaint**

10 In her Complaint, Plaintiff sues Tenet Healthcare Corporation, Russell K Pearce,
11 the State of Arizona, and the United States of America. Although unclear, Plaintiff
12 appears to assert numerous federal and state law claims against Defendants related to her
13 alleged “forced sterilization” as a result of a doctor at Maryvale Hospital injecting her
14 with “Toradol,” a “fertility-impairing drug.”

15 However, Plaintiff’s Complaint fails to comply with the pleading requirements in
16 Rules 8 and 10 of the Federal Rules of Civil Procedure. Plaintiff’s Complaint is
17 comprised of approximately 91 pages of confusing and conclusory narrative statements
18 rather than specifically enumerated causes of action or identifiable legal theories relating
19 to specific Defendants that support any claim of relief. Although Plaintiff provides
20 numerous numbered lists of statutes and constitutional provisions throughout her
21 Complaint, her verbose, circular, and confusing discussions of her claims throughout the
22 Complaint make it impossible for the Court to discern what specific causes of action she
23 asserts against each Defendant. Likewise, it is impossible for the Court to determine
24 from the Complaint whether any of the alleged conduct is sufficient to state a claim over
25 which this Court has jurisdiction. In sum, the Complaint fails to provide a “short and
26 plain statement” of any claim. Accordingly, the Court will dismiss Plaintiff’s Complaint
27 in its entirety.

1 **III. Leave to Amend**

2 The Court will give Plaintiff an opportunity, if she so chooses, to amend her
3 Complaint to make clear her allegations. *See Lopez*, 203 F.3d at 1127 (when dismissing
4 for failure to state a claim, “a district court should grant leave to amend even if no request
5 to amend the pleading was made, unless it determines that the pleading could not
6 possibly be cured by the allegation of other facts”) (*quoting Doe v. United States*, 58 F.3d
7 494, 497 (9th Cir. 1995)). In the amended complaint, Plaintiff must write out, **in short,**
8 **plain statements**, (1) the rights she believes were violated, (2) the name of the person or
9 entity who violated each right, (3) exactly what that individual or entity did or failed to
10 do, (4) how the action or inaction of that person or entity is connected to the violation of
11 each right, and (5) what specific injury was suffered because of the other person’s or
12 entity’s conduct.

13 Plaintiff is warned that if she elects to file an amended complaint and if she fails to
14 comply with the Court’s instructions explained in this Order or the Federal Rules of Civil
15 Procedure, the action will be dismissed pursuant to section 28 U.S.C. § 1915(e) and/or
16 Rule 41(b) of the Federal Rules of Civil Procedure. *See McHenry*, 84 F.3d at 1180
17 (affirming dismissal with prejudice of amended complaint that did not comply with Rule
18 8(a)); *Nevijel v. North Coast Life Ins. Co.*, 651 F.2d 671, 673–74 (9th Cir. 1981)
19 (affirming dismissal of amended complaint that was “equally as verbose, confusing, and
20 conclusory as the initial complaint”).

21 Accordingly,

22 **IT IS ORDERED** that Plaintiff’s Application to Proceed in District Court
23 Without Prepaying Fees or Costs (Doc. 2) is granted.

24 **IT IS FURTHER ORDERED** that Plaintiff’s Complaint (Doc. 1) is dismissed for
25 failure to comply with Rules 8 and 10 of the Federal Rules of Civil Procedure.

26 **IT IS FURTHER ORDERED** that Plaintiff is granted leave to file an amended
27 complaint by **December 16, 2015**.

28 **IT IS FURTHER ORDERED** that if Plaintiff elects to file an amended

1 complaint, the complaint may not be served until and unless the Court screens the
2 amended complaint pursuant to 28 U.S.C. § 1915(e)(2).

3 **IT IS FURTHER ORDERED** that if Plaintiff elects not to file an amended
4 complaint by **December 16, 2015**, the Clerk shall dismiss this action without further
5 order of this Court.

6 Dated this 16th day of November, 2015.

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12 Honorable John Z. Boyle
13 United States Magistrate Judge
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