

1 **WO**2 NOT FOR PUBLICATION  
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56 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
89 Alice Minch,  
10 Plaintiff,  
11 v.  
12 Arizona State Board of Nursing, *et al.*,  
13 Defendants.  
14

No. CV-17-2525-PHX-JJT

**ORDER**

15 At issue is *pro se* Plaintiff Alice Minch's Amended Complaint (Doc. 9, Am.  
16 Compl.). Upon screening Plaintiff's Amended Complaint, pursuant to 28 U.S.C.  
17 § 1915(e)(2), the Court finds that Plaintiff fails to state a plausible claim for the following  
18 reasons.

**I. LEGAL STANDARD****A. 28 U.S.C. § 1915(e)(2)**

21 For cases in which a party is permitted to proceed *in forma pauperis*, Congress  
22 provides that a district court "shall dismiss the case at any time if the court determines" that  
23 the "allegation of poverty is untrue," or that the "action or appeal" is "frivolous or  
24 malicious," or "fails to state a claim on which relief may be granted," or "seeks monetary  
25 relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2).  
26 Section 1915(e) applies to all *in forma pauperis* proceedings. *Lopez v. Smith*, 203 F.3d  
27 1122, 1129 (9th Cir. 2000). "It is also clear that section 1915(e) not only permits but  
28 requires a district court to dismiss an *in forma pauperis* complaint that fails to state a

1 claim.” *Id.* at 1127. “The standard for determining whether a plaintiff has failed to state a  
2 claim upon which relief can be granted under § 1915(e)(2)(B)(ii) is the same as the Federal  
3 Rule of Civil Procedure 12(b)(6) standard for failure to state a claim.” *Watison v. Carter*,  
4 668 F.3d 1108, 1112 (9th Cir. 2012).

5 **B. Sufficiency of a Claim**

6 A complaint must include “a short and plain statement of the claim showing that  
7 the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). The complaint must contain  
8 “sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on  
9 its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v.*  
10 *Twombly*, 550 U.S. 544, 570 (2007)). The Court is to construe a *pro se* plaintiff’s  
11 complaint “liberally” and afford the plaintiff “the benefit of any doubt.” *Watison*, 668  
12 F.3d at 1112 (citation omitted).

13 **II. ANALYSIS**

14 Upon reviewing Plaintiff’s Amended Complaint, the Court finds that Plaintiff fails  
15 to comply with the Federal Rules of Civil Procedure 8. Plaintiff alleges in her Amended  
16 Complaint that she was deprived her of her nursing license without due process, naming  
17 as Defendants the Arizona State Board of Nursing (“SBN”) and several unnamed  
18 members and employees. (Am. Compl. ¶¶ 1–3, 22, 24.) For her alleged injury, Plaintiff  
19 requests solely monetary damages. (Am. Compl. ¶ 26.) Thus, to the extent Plaintiff’s  
20 claims lie against the Arizona State Board of Nursing, Plaintiff fails to state a claim. SBN  
21 is an arm of the State of Arizona and cannot be held liable for monetary damages under  
22 § 1983. *See Will v. Michigan Dep’t of State Police*, 491 U.S. 58, 64 (1989).

23 Turning to Plaintiff’s individualized allegations, Plaintiff’s Amended Complaint  
24 fails to satisfy the federal pleading requirements because Plaintiff fails to both name  
25 specific defendants and allege specific actions by those defendants. A plaintiff may not  
26 collectively accuse multiple defendants of committing misdeeds through the expedience  
27 of the title “Defendants.” Such group pleading fails to comply with Rule 8(a)(2) because it  
28 does not give fair notice of the claims against each Defendant with the requisite specificity.

1      *Riehle v. Bank of America, N. A.*, No. CV-12-00251-PHX-NWW, 2013 WL 1694442, at \*2  
2      (D. Ariz. Apr. 18, 2013). Plaintiff broadly claims that “each of defendants are members  
3      employees, and former members and former employees of the SBN.” (Am. Compl. ¶ 3.)  
4      Yet, Plaintiff fails to make clear in the Amended Complaint precisely who these  
5      Defendants are and what actions by which Defendant give rise to liability under § 1983.  
6      Although Plaintiff discusses Administrative Law Judges (“ALJ”) Tully, Mihalsky, and  
7      Douglas in her Amended Complaint, it is unclear whether these allegations serve to name  
8      the ALJs as Defendants or merely serve as portions of Plaintiff’s allegations against the  
9      SBN. Nevertheless, such allegations fail to put any individual Defendant on notice of a  
10     claim that would entitle Plaintiff to relief. Therefore, Plaintiff’s Amended Complaint is  
11     dismissed as it pertains to any individual Defendant.

12     **III. CONCLUSION**

13     If a defective complaint can be cured, the plaintiff is entitled to amend the complaint  
14     before the action is dismissed. *See Lopez*, 203 F.3d at 1127–30. Here, the Court will give  
15     the Plaintiff an opportunity to amend her complaint, but any Amended Complaint must  
16     meet the requirements of the Federal Rules of Civil Procedure.

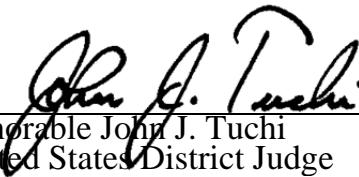
17     **IT IS THEREFORE ORDERED** dismissing Plaintiff’s Amended Complaint  
18     (Doc. 9).

19     **IT IS FURTHER ORDERED** that Plaintiff may file a Second Amended  
20     Complaint that complies with the Federal Rules of Civil Procedure no later than 21 days  
21     from the date of this order. If no Amended Complaint is timely filed, the Clerk shall  
22     dismiss this action without further Order of the Court.

23     **IT IS FURTHER ORDERED** that if Plaintiff elects to file her Second Amended  
24     Complaint, it may not be served on Defendants until and unless the Court screens the  
25     Amended Complaint pursuant to 28 U.S.C. § 1915(e)(2). If and when the Court gives  
26     ....  
27     ....  
28     ....

1 Plaintiff leave to serve a Second Amended Complaint, Plaintiff shall be responsible for  
2 service and may do so by request for waiver under Federal Rule of Civil Procedure 4.

3 Dated this 16th day of November, 2017.

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5   
6 Honorable John J. Tuchi  
7 United States District Judge  
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