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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Matthew James Kennedy,
Plaintiff,
vs.
Karen Hughes,
Defendant.

No. CV-11-8105-PCT-GMS

ORDER

Pursuant to the Court’s Order (Doc. 4) and 28 U.S.C. § 1915(e)(2), the Court has screened Plaintiff’s Amended Complaint (Doc. 6). Pursuant to that screening Plaintiff’s Amended Complaint is dismissed.

I. Plaintiff’s Complaint

Plaintiff’s amended complaint again falls short of satisfying the requirements of Rule 8. It does not allege a legal basis for this Court to exercise jurisdiction over this lawsuit. To the extent that Plaintiff seeks to bring a claim for discrimination under Title VII, Plaintiff must first exhaust the procedure available to make his claim with the Equal Employment Opportunity Commission. Plaintiff has failed to certify that he has exhausted that procedure. *Sommatino v. U.S.*, 255 F.3d 704 (9th Cir. 2001). He has not established, therefore, that this Court has jurisdiction over her claim. Further, Plaintiff has failed to set forth facts sufficient to allege a prima facie Title VII case against his employer.

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1 **II. Dismissal without Leave to Amend**

2 Because Plaintiff has failed to state a claim in his Amended Complaint, the Court will
3 dismiss the Amended Complaint. “Leave to amend need not be given if a complaint, as
4 amended, is subject to dismissal.” *Moore v. Kayport Package Express, Inc.*, 885 F.2d 531,
5 538 (9th Cir. 1989). The Court’s discretion to deny leave to amend is particularly broad
6 where Plaintiff has previously been permitted to amend her complaint. *Sisseton-Wahpeton*
7 *Sioux Tribe v. United States*, 90 F.3d 351, 355 (9th Ci. 1996). Repeated failure to cure
8 deficiencies is one of the factors to be considered in deciding whether justice requires
9 granting leave to amend. *Moore*, 885 F.2d at 538.

10 The Court finds that further amendment of Plaintiff’s claims would be futile.
11 Therefore, the Court, in its discretion, will dismiss Plaintiff’s Amended Complaint without
12 leave to amend.

13 **IT IS HEREBY ORDERED** that pursuant to 28 U.S.C. § 1915(e)(2) Plaintiff’s
14 Amended Complaint (Doc. 6) is dismissed without prejudice for failure to comply with Rule
15 8. The Clerk of the Court is directed to terminate this action.

16 **IT IS FURTHER ORDERED** denying as moot Motion for Court Order (Doc. 5).
17 DATED this 19th day of August, 2011.

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21 G. Murray Snow
22 United States District Judge
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