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NOT FOR PUBLICATION

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**IN THE UNITED STATES DISTRICT COURT**

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**FOR THE DISTRICT OF ARIZONA**

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9 Kim Noreen Larsen,

No. CV-16-08191-PCT-JJT

10 Plaintiff,

**ORDER**

11 v.

12 United Parcel Service, *et al.*,

13 Defendants.

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15 At issue is *pro se* Plaintiff Kim Noreen Larsen's Application for Leave to Proceed  
16 *In Forma Pauperis* (Doc. 3) and Motion for Service (Doc. 4). Having determined that  
17 Plaintiff is unable to pay the Court's fees, the Court grants the Application for Leave to  
18 Proceed *In Forma Pauperis* (Doc. 3.)

19 However, upon review of Plaintiff's Complaint (Doc. 1, Compl.), the Court finds  
20 that the Complaint fails to comply with Federal Rules of Civil Procedure 8 and 10(b).

21 Rule 8(a) requires that:

22 A pleading which sets forth a claim for relief, whether an original claim,  
23 counter-claim, cross-claim, or third-party claims, shall contain (1) a short  
24 and plain statement of the grounds upon which the court's jurisdiction  
25 depends, unless the court already has jurisdiction and the claim needs no  
new grounds of jurisdiction to support it, (2) a short and plain statement of  
the claim showing that the pleader is entitled to relief; and (3) a demand for  
the relief sought, which may include relief in the alternative or different  
types of relief.

26 Fed. R. Civ. P. 8(a).

27 "Each allegation must be simple, concise, and direct." Fed. R. Civ. P. 8(d)(1).

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1 Furthermore, the complaint must contain “sufficient factual matter, accepted as true,  
2 to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678  
3 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). Even where a  
4 complaint has the factual elements of a cause of action present but scattered throughout the  
5 complaint and not organized into a “short and plain statement of the claim,” it may be  
6 dismissed for failure to satisfy Rule 8(a). *Sparling v. Hoffman Constr. Co.*, 864 F.2d 635,  
7 640 (9th Cir. 1988).

8 Rule 10(b) requires that:

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

15 Fed. R. Civ. P. 10(b).

16 While it appears that Plaintiff’s Complaint requests relief with regard to death of  
17 Plaintiff’s service animal, (Compl. at 4-5), the Complaint does not contain a satisfactory  
18 statement of the basis for the Court’s jurisdiction or a short and plain statement of the  
19 claim showing that Plaintiff is entitled to the relief she seeks, as required by Rule 8. In  
20 particular, the Complaint fails to even allege an amount in controversy, other than that the  
21 jurisdictional amount satisfies the requirement. This is insufficient to confer jurisdiction.  
22 The Complaint is also not in the format specified in Rules 8 and 10.

23 Because Plaintiff’s Complaint is stricken for failure to comply with the Federal  
24 Rules of Civil Procedure, Plaintiff’s Motion for Service—in which she requests that the  
25 U.S. Marshal serve Defendants, or, in the alternative, that the Court provide her with  
26 contact information for the Marshal’s office in both Atlanta and Detroit—is moot. If and  
27 when Plaintiff files a complaint that complies with the Federal Rules of Civil Procedure,  
28 Plaintiff will be responsible for serving the complaint and summons on Defendants  
herself and may execute service by waiver under Federal Rule of Civil Procedure 4(d).  
Plaintiff may not file the summons, the complaint, or any amended complaint on  
Defendants until the Court grants her leave to do so.

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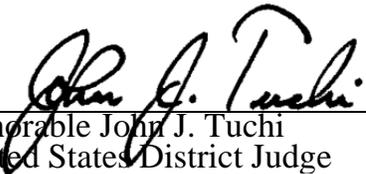
**IT IS THEREFORE ORDERED** striking Plaintiff's Complaint (Doc. 1) for failing to comply with Federal Rules of Civil Procedure 8 and 10(b).

**IT IS FURTHER ORDERED** that Plaintiff may file an Amended Complaint that complies with Rules 8 and 10(b) no later than 30 days from the date of this Order. If no Amended Complaint is timely filed, the Clerk shall dismiss this action without further Order of the Court.

**IT IS FURTHER ORDERED** granting Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 3).

**IT IS FURTHER ORDERED** denying Plaintiff's Motion for Service (Doc. 4).

Dated this 9<sup>th</sup> day of September, 2016.

  
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Honorable John J. Tuchi  
United States District Judge