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**UNITED STATES DISTRICT COURT**

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**DISTRICT OF ARIZONA**

8 Janice Walker,

9 Plaintiff,

10 v.

11 Southern Arizona Legal Aid, Inc., Anthony  
12 Young, Sharon Rauseo, Bruce Plenk, Peter  
13 Akmajian, and Pamela Brown,

14 Defendants.

CV 08-310 TUC DCB

**ORDER**

14 Plaintiff was granted leave to proceed *in forma pauperis*, and the Court screened her  
15 Complaint on September 8, 2008. The Court dismissed the Complaint for failure to state a  
16 claim and granted her leave to file an Amended Complaint.

17 On September 29, 2008, Plaintiff filed an Amended Complaint and a Motion for  
18 Service by the U.S. Marshal. Plaintiff’s Amended Complaint is identical to the Complaint  
19 this Court dismissed, except for the addition of allegations that “the Arizona Foundation for  
20 Legal Services and Education and Legal Services Corporation provide funding for SALA,  
21 along with overseeing compliance with their Grievance Procedures, which is legally  
22 necessary to receive this funding.” (Amended Complaint at 1.) Plaintiff also added the  
23 following charge: “. . . Both State and Federal funding laws that these organizations oversee  
24 compliance of were being violated. Both organizations were kept informed of the continuing  
25 problems at SALA and their refusal to adhere to Grievance Procedures to hold a Grievance  
26 Hearing that I could participate in, which funding law requires. Both organizations allowed  
27 this illegal conduct to continue for months and have refused to ever address the illegal refusal  
28 of SALA to allow me to participate in a Grievance Hearing. According to law, SALA

1 funding should be cut off from both organizations, but hasn't been, making these  
2 organizations both guilty of legal violations in addition to SALA." (Amended Complaint at  
3 12.)

4 As this Court explained in its screening Order, Plaintiff's allegations fail to support  
5 her disability discrimination claim because she merely alleges conduct that might be legal  
6 malpractice. Plaintiff fails to allege a specific accommodation that she requested and was  
7 denied by the Defendants. Her allegations that Defendant Plank made sexual innuendoes is  
8 insufficient to support a claim of sexual harassment or gender discrimination. Her  
9 constitutional claims fail because there is no evidence that the Defendants were state actors  
10 or that their conduct may have been anything more than rudeness or mere negligence.

11 **Accordingly,**

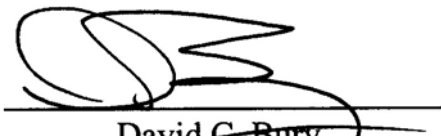
12 **IT IS ORDERED** that the Plaintiff's Motion for Service by the U.S. Marshal  
13 (document 11) is DENIED.

14 **IT IS FURTHER ORDERED** that the Amended Complaint is dismissed for failure  
15 to state a claim.

16 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter Judgment  
17 accordingly.

18 **IT IS FURTHER ORDERED** that the Clerk of the Court shall send a copy of this  
19 Order to the judges of the United States District Court for the District of Arizona in the  
20 following cases: CV 07-478 TUC RCC, CV 08-134 TUC CKJ, CV 08-377 TUC RCC, CV  
21 08-412 TUC BPV, and CV 08-413 TUC RCC.

22 DATED this 6<sup>th</sup> day of October, 2008.

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24   
25 **David C. Bury**  
26 **United States District Judge**

27 *copy to RCC, CKJ, BPV on 10/6/08 by cjs*