

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

WO

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

Andre H. Ali,

Plaintiff,

v.

Scotia Group Management LLC,

Defendant.

No. CV-18-00124-TUC-JGZ

**ORDER**

On March 27, 2018, the Court granted Ali's Application to Proceed without Prepaying Fees or Costs. (Doc. 6.) The Court also screened Ali's complaint pursuant to 28 U.S.C. § 1915(e)(2) and dismissed the complaint with leave to amend for failure to demonstrate federal jurisdiction and for failure to state a claim. (*Id.*) The Court granted Ali thirty days from the March 27, 2018 filing date of its Order to file an amended complaint.

Ali's Amended Complaint was due on April 26, 2018. On April 6, 2018, Ali filed a form for a complaint that he titled "Income Statement." (Doc. 7.) Ali did not set forth any statement of a claim or request for relief. He attached forms pertaining to Social Security Retirement, Survivors, and Disability Insurance for someone named Andre De Shawn High. On May 9, 2018, Ali filed an Amended Complaint. (Doc. 8). In light of Ali's *pro se* status and the short delay between the April 26, 2018 due date for the Amended Complaint and the May 9, 2018 filing, the Court will accept Ali's late filing. However, in the future, if Ali is unable to comply with deadlines set by the Court or the

1 rules, he must seek leave of Court to extend the time to comply as set forth at Rule 6(b)  
2 of the Federal Rules of Civil Procedure. *Cf. Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir.  
3 1995) (“*pro se* litigants are bound by the rules of procedure”); *King v. Atiyeh*, 814 F.2d  
4 565, 567 (9th Cir. 1987) (“*Pro se* litigants must follow the same rules of procedure that  
5 govern other litigants.”), *overruled on other grounds by Lacey v. Maricopa County*, 693  
6 F.3d 896 (9th Cir. 2012).

7 Pursuant to 28 U.S.C. § 1915(e)(2), the Court will screen the Amended Complaint.  
8 Under § 1915(e)(2), the Court must dismiss the Amended Complaint if the Court  
9 determines that the Amended Complaint is frivolous or malicious, fails to state a claim  
10 upon which relief may be granted; or seeks monetary relief from an individual who is  
11 immune from such relief. 28 U.S.C. § 1915(e)(2)(B)(i)-(iii). For the following reasons,  
12 the Court will dismiss Ali’s Amended Complaint with leave to amend.

### 13 **Screening Plaintiff’s Amended Complaint**

#### 14 **A. General Requirements**

15 The Court previously advised Ali that a complaint is to contain “[a] ‘short and  
16 plain statement of the claim showing that the pleader is entitled to relief[.]’” (Doc. 6 at  
17 (quoting Fed. R. Civ. P. 8(a)(2)). Where the pleader is *pro se*, the “[p]leadings should be  
18 liberally construed in the interests of justice.” *Johnson v. Reagan*, 524 F.2d 1123, 1124  
19 (9th Cir. 1975). Nonetheless, a complaint must set forth a set of facts that serves to put  
20 defendants on notice as to the nature and basis of the claim(s). Furthermore, all  
21 allegations of a claim are to be set forth in numbered paragraphs that should be limited  
22 to a single set of circumstances. Fed. R. Civ. P. 10(b). “[E]ach claim founded on a  
23 separate transaction or occurrence . . . must be stated in a separate count . . . .” *Id.*  
24 Failure to set forth claims in such a manner places the onus “on the court to decipher  
25 which, if any, facts support which claims, as well as to determine whether . . .” a  
26 plaintiff is entitled to the relief sought. *Haynes v. Anderson & Strudwick, Inc.*, 508 F.  
27 Supp. 1303, 1307 n.1 (D.C. Va. 1981). “Enforcement of this rule is discretionary with  
28 the Court, but such enforcement is appropriate where it is necessary to facilitate a clear  
presentation of the claims.” *Ramage v. United States*, 2014 WL 4702288 at \*1 (D. Ariz.

1 2014) (citing *Benoit v. Ocwen Financial Corp., Inc.*, 960 F. Supp. 287, 289 (S.D. Fla.  
2 1997), *affirmed* 162 F.3d 1177 (compliance with rule mandatory where allegations were  
3 so confounding and conclusory, claims were commingled, and unfeasible to decipher  
4 nature of claims)).

5 If the court determines that dismissal is appropriate, the plaintiff must be given at  
6 least one chance to amend a complaint when a more carefully drafted complaint might  
7 state a claim. *Cook, Perkiss and Liehe, Inc. v. Northern Cal. Collection Serv.* 911 F.2d  
8 242, 247 (9th Cir. 1990) (“district court should grant leave to amend [the complaint]  
9 even if no request to amend the pleading was made, unless it determines that the  
10 pleading could not possibly be cured by the allegation of other facts.”). Moreover, when  
11 dismissing with leave to amend, the court is to provide reasons for the dismissal so a  
12 plaintiff can make an intelligent decision whether to file an amended complaint. *See*  
13 *Bonanno v. Thomas*, 309 F.2d 320, 322 (9th Cir. 1962).

14 **B. Requirement that Action State a Claim on Which Relief Can be**  
15 **Granted**

16 In order to survive a motion to dismiss for failure to state a claim, a plaintiff must  
17 allege enough facts to state a claim to relief that is plausible on its face. *See Bell Atlantic*  
18 *Corp. v. Twombly*, 550 U.S. 544, 547 (2007). While a complaint need not plead “detailed  
19 factual allegations,” the factual allegations it does include “must be enough to raise a  
20 right to relief above the speculative level.” *Id.* at 555. Indeed, Fed. R. Civ. P. 8(a)(2)  
21 requires a showing that a plaintiff is entitled to relief “rather than a blanket assertion, of  
22 entitlement to relief.” *Id.* at 555, n.3. The complaint ““must contain something more . . .  
23 than . . . a statement of facts that merely creates a suspicion [of] a legally cognizable right  
24 to action.”” *Id.* at 555 (quoting 5 C. Wright & A. Miller, *Federal Practice and Procedure*  
25 § 1216, pp. 235–236 (3d ed. 2004)); *see also Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)  
26 (interpreting Rule 8(a) and explaining that there must be specific, non-conclusory factual  
27 allegations sufficient to support a finding by the court that the claims are more than  
28 merely possible, they are plausible). Although a motion to dismiss pursuant to  
Fed.R.Civ.P. 12(b)(6) has not been filed in this case, the Court screens the Amended

1 Complaint in light of *Twombly* and must determine whether Ali has “nudge[d] [his]  
2 claims across the line from conceivable to plausible . . . .” *Twombly*, 550 U.S. at 555.  
3 The Court also considers that the Supreme Court has cited *Twombly* for the traditional  
4 proposition that “[s]pecific facts are not necessary [for a pleading that satisfies Rule  
5 8(a)(2)].” *Erickson v. Pardue*, 551 U.S. 89, 93 (2007). Instead, a statement must ““give  
6 the defendant fair notice of what the . . . claim is and the grounds upon which it rests.””  
7 *Id.* at 93 (quoting *Twombly*, 550 U.S. at 555).

8 In discussing *Twombly*, the Ninth Circuit has stated that “[a] claim has facial  
9 plausibility when the plaintiff pleads factual content that allows the court to draw the  
10 reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556  
11 U.S. at 678. “The plausibility standard is not akin to a ‘probability requirement,’ but it  
12 asks for more than a sheer possibility that a defendant has acted unlawfully.” *Id.* (quoting  
13 *Twombly*, 550 U.S. at 556). “Where a complaint pleads facts that are ‘merely consistent  
14 with’ a defendant’s liability, it ‘stops short of the line between possibility and plausibility  
15 of entitlement to relief.’” *Id.* (quoting *Twombly*, 550 U.S. at 557). In sum, for a  
16 complaint to survive a motion to dismiss, the non-conclusory “factual content,” and  
17 reasonable inferences from that content, must be plausibly suggestive of a claim entitling  
18 the plaintiff to relief. *Iqbal*, 556 U.S. at 678; *see also Moss v. U.S. Secret Service*, 572  
19 F.3d 962, 969 (9th Cir. 2009).

20 In general, a complaint is construed favorably to the pleader. *See Scheuer v.*  
21 *Rhodes*, 416 U.S. 232, 236 (1974), *abrogated on other grounds by Harlow v. Fitzgerald*,  
22 457 U.S. 800 (1982). This Court must take as true all allegations of material fact and  
23 construe them in the light most favorable to Ali. *See Cervantes v. United States*, 330  
24 F.3d 1186, 1187 (9th Cir. 2003). Nonetheless, the Court does not accept as true  
25 unreasonable inferences or conclusory legal allegations cast in the form of factual  
26 allegations. *Western Mining Council v. Watt*, 643 F.2d 618, 624 (9th Cir. 1981).  
27 Furthermore, the Court is not to serve as an advocate of a pro se litigant, *Noll v. Carlson*,  
28 809 F.2d 1446, 1448 (9th Cir. 1987), *superseded by statute as stated in Akhtar v. Mesa*,  
698 F.3d 1202 (9th Cir. 2012), in attempting to decipher a complaint.

1           **C. Failure to comply with Rule 8(a), F.R.C.P.**

2           Ali originally filed this action against Scotia Group Management LLC (Scotia).  
3           Scotia was included in the caption, but not named in the body of the Amended  
4           Complaint. In the body of the Amended Complaint, Ali identifies the following  
5           Defendants: “Tucson Police/Tucson City Court”, State of Arizona Department of  
6           Economic Security, ECMC debt collection, U.S. Department of the Treasury, City of  
7           Tucson Risk Management, U.S. Department of Education, attorney Matthew D.  
8           Koglmeier, and Arizona State Governor Doug Ducey. (Doc. 8 at 4–5.<sup>1</sup>) Citing to a letter  
9           from the Pope, Ali seeks 23.7 billion dollars in relief. (*Id.* at 2.)

10           Ali attaches to his Amended Complaint a multitude of documents including: a  
11           document about the Liber Code from Oxford Public International Law; a copy of an  
12           “Affidavit of Fact” on behalf of all Moorish nations signed by Dominus Nobilis El-Bey; a  
13           Master Promissory Note with the borrower listed as Maurice Andre Brooks; an  
14           International Proclamation regarding the Moorish National Republic; applications for  
15           name change from Maurice Andre Brooks to Andre De-Shawn High; correspondence  
16           from ECMC to High and Brooks regarding student loans; American Declaration of the  
17           Rights of Indigenous Peoples; a copy of some sort of an identification card belonging to  
18           Ali; a handwritten document directed to the State of Arizona discussing someone named  
19           Vanessa Brown; a letter from the Department of the Treasury to High indicating a social  
20           security payment was applied to a debt owed to the Department of Education with “Fraud  
21           Adverse Claim” written on it; an Arizona State Bar Complaint filed by Ali naming Doug  
22           Ducey and Matthew Koglmeier in regard to this action and another action pending in this  
23           Court before Magistrate Judge Macdonald (CV 17-546-TUC-BGM); a rental agreement  
24           and other documents between Breanna Bunch and/or High and Scotia; general  
25           information about the U.S. Government and representation by the District of Columbia;  
26           various court filings related to civil, eviction, and criminal proceedings involving Ali,

---

27  
28           <sup>1</sup> Reference to page numbers of Doc. 8 correlate to the page number assigned by  
the Court’s electronic filing system (CM/ECF) that appears at the top of each page of the  
document.

1 High and/or Bunch; Ali’s application for citizenship; a Notice of Claim letter against the  
2 City of Tucson with regard to Brooks and Bunch who claimed they were victims of racial  
3 profiling and discrimination, written statements from Bunch and Rose Cana in support of  
4 such claim, and correspondence from the City of Tucson to Brooks about the claim<sup>2</sup>;  
5 correspondence to Ali from the Commission on Judicial Conduct and the Maricopa  
6 County Sheriff’s Office about complaints he filed; correspondence from Northwest  
7 Medical Center relating to Bunch; what appears to be a printout of an internet page for  
8 Rillito Village Apartments and a statement for Rillito Village Apartments directed to  
9 Bunch; a document entitled “Actual and Constructive Notice Order of Protection,  
10 International Document” related to “The Moorish National Republic Federation  
11 Government Northwest Africa the Moorish Divine and National Movement of the  
12 World” (Doc. 8-2 at 22), a Notice of Immediate Termination issued to Bunch and High  
13 by City Heights Apartments (which appears to be related to Scotia); a statement to Bunch  
14 from “Super 8” apparently relating to a hotel stay; a notice of claim against the State of  
15 Arizona on behalf of Brooks apparently regarding conditions while he was confined in  
16 the Maricopa County jail; and a document about the Social Security Program Operations  
17 Manual System.

18 In dismissing Ali’s original complaint, the Court explained that Ali failed to  
19 comply with Rule 8(a)’s requirement that the Complaint contain a short, plain statement  
20 of Ali’s claims. (Doc. 6 at 3–4.) The Court also explained that the Complaint was  
21 deficient for failing to state the facts underlying the alleged claims. (*Id.* at 4.) Ali’s  
22 Amended Complaint is equally lacking. In the “Statement of Claim” section of his  
23 Amended Complaint, Ali lists: “discrimination, illegal eviction, false arrest, failure to  
24 recognize nationality, retaliation, false claims act, slavery, racketeering (Black Codes)  
25 [or] terrorizim [sic]”. (Doc. 8 at 2 (capitalization omitted).) However, Ali provides no  
26 factual statements to support any of these claims. Importantly, the Amended Complaint

---

27  
28 <sup>2</sup> On some of the correspondence from the Tucson Police Department, handwritten notations indicate: “Sgt Stacie [illegible] Brady violation false information prejudice negligence.” (Doc. 8-2 at 34.)

1 is devoid of any allegations linking Defendants to Ali's claims. As such, Ali has not  
2 alleged sufficient facts that would place Defendants on notice as to the grounds  
3 supporting his claims against them. Ali's attachment of various documents to the  
4 Amended Complaint does not make up for this failure. It is not the Court's function to  
5 sift through the documents attached to Ali's Amended Complaint to discern on what  
6 basis Ali might state a claim and, if so, against whom. In sum, the Amended Complaint  
7 fails to give Defendants proper notice of the nature and basis of Ali's claims. On this  
8 basis alone, dismissal is appropriate.

9 **D. Jurisdiction**

10 Generally, this court has jurisdiction to hear cases arising under federal law or  
11 cases involving diverse parties and an amount in controversy exceeding \$75,000. *See* 28  
12 U.S.C. §§ 1331-1332. Ali indicates in his Amended Complaint that this Court has  
13 federal question jurisdiction over his action pursuant to the "Treaty of Peace and  
14 Friendship (see affidavit of fact) and [the] 13th Amendment." (Doc. 8 at 3.) Based on  
15 Ali's attachment of a document titled "Affidavit of Fact" on behalf of all Moorish  
16 Nations signed by Dominus Nobilis El-Bey (doc. 8-1 at 10-11), it appears that Ali is  
17 referring to the Treaty of Peace and Friendship of 1787 with Morocco. *See Love v.*  
18 *United States*, 29 Ct. Cl. 332, 341 (1894) (citing 1 Stat. L., p. 100)). The Treaty was  
19 "executed in response to the ill of piracy rampant during 15th to 18th centuries in the  
20 coastal waters and ports of the [sic] North Africa and the high 'protection fees' charged  
21 by North African rulers for maintaining peace in their coastal waters and ports."  
22 *Murakush Caliphate of Amexem Inc. v. New Jersey*, 790 F. Supp.2d 241, 260 n.16  
23 (D.N.J. 2011) (holding that reliance on the Treaty with Morocco for the purposes of a  
24 civil suit raising claims based on the events that occurred within United States'  
25 geographical territory is facially frivolous)). Ali fails to allege any facts that would  
26 support a finding of jurisdiction under the Treaty.

27 Ali's reliance on the Thirteenth Amendment as a basis for jurisdiction is also  
28 unavailing on the instant record. Under the Thirteenth Amendment, "[n]either slavery  
nor involuntary servitude, except as a punishment for crime whereof the party shall have

1 been duly convicted, shall exist within the United States, or any place subject to their  
2 jurisdiction.” U.S. Const. amend. XIII. “By its terms [the Thirteenth] Amendment  
3 excludes involuntary servitude imposed as legal punishment for a crime.” *United States*  
4 *v. Kozminski*, 487 U.S. 931, 942 (1988), *superseded on other grounds* by 22 U.S.C. §  
5 7101. Here, Ali alleges no facts to support this Court’s exercise of jurisdiction under the  
6 Thirteenth Amendment.

7 **E. Second Amended Complaint**

8 The Court finds that dismissal with leave to amend is appropriate. *See Noll*, 809  
9 F.2d at 1448 (leave to amend is liberally granted unless absolutely clear deficiencies  
10 cannot be cured by amendment). The Court has provided the reasons for the dismissal  
11 to permit Ali to make an intelligent decision whether to file a Second Amended  
12 Complaint. *See Bonanno*, 309 F.2d at 322. Ali is advised that all causes of action  
13 alleged in the Amended Complaint which are not alleged in any Second Amended  
14 Complaint will be waived. *Cf. Hal Roach Studios v. Richard Feiner & Co.*, 896 F.2d  
15 1542, 1546 (9th Cir. 1990) (“an amended pleading supersedes the original”). Any  
16 Amended Complaint filed by Ali must be retyped or rewritten in its entirety and may not  
17 incorporate any part of the Amended Complaint by reference. Ali’s Second Amended  
18 Complaint shall be clearly designated as a Second Amended Complaint on the face of  
19 the document. **In his Second Amended Complaint, Ali must write short, plain**  
20 **statements telling the Court the claim he is advancing, the name of the Defendant**  
21 **against whom he is advancing the claim, a description of the Defendant’s conduct**  
22 **giving rise to the claim, and what specific injury Ali suffered because of the**  
23 **Defendant’s conduct. Ali must repeat this process for each person or entity he**  
24 **names as a Defendant.** Conclusory allegations that a Defendant caused Ali injury are  
25 not acceptable and will be dismissed.

26 Ali is advised that failure of a Second Amended Complaint to state a claim upon  
27 which relief can be granted will result in dismissal of this action. Additionally, Ali is  
28 advised that if he fails to timely comply with every provision of this Order, this action  
will be dismissed pursuant to Fed. R. Civ. P. 41(b) without further notice to him. *See*



1 *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992) (district court may dismiss  
2 action for failure to comply with any order of the Court).

3 **F. Notice regarding resources for self-represented litigants**

4 Ali is advised that the Federal Rules of Civil Procedure and Local Rules for the  
5 District of Arizona can be found on the Court's web site at [www.azd.uscourts.gov](http://www.azd.uscourts.gov). Ali is  
6 advised that a Handbook for Self-Represented Litigants is available on the Court's  
7 website at: <http://www.azd.uscourts.gov/handbook-self-represented-litigants>. In addition,  
8 Step Up to Justice offers a free, advice-only clinic for self-represented civil litigants on  
9 Thursdays from 1:30 p.m. to 3:30 p.m. If Ali wishes to schedule a clinic appointment, he  
10 should contact the courthouse librarian, Mary Ann O'Neil, at  
11 [MaryAnn\\_O'Neil@LB9.uscourts.gov](mailto:MaryAnn_O'Neil@LB9.uscourts.gov).

12 **CONCLUSION**

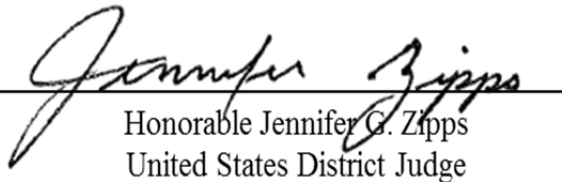
13 THEREFORE, IT IS ORDERED:

- 14 1. Plaintiff's Amended Complaint (Doc. 8) is **DISMISSED WITHOUT**  
15 **PREJUDICE, WITH LEAVE TO AMEND**. Plaintiff shall have thirty (30) days  
16 from the date of filing this Order to file a Second Amended Complaint.
- 17 2. Any Second Amended Complaint must be retyped or rewritten in its entirety and  
18 may not incorporate any part of the prior complaints or subsequent pleadings by  
19 reference. All causes of action alleged in the Amended Complaint which are not  
20 alleged in any Second Amended Complaint will be waived. Any Second  
21 Amended Complaint submitted by Plaintiff shall be clearly designated as a Second  
22 Amended Complaint on the face of the document. Any Second Amended  
23 Complaint shall comply with the requirements of Fed.R.Civ.P. 8(a), 10(a), and  
24 11(a), and this Order.
- 25 3. The Clerk of the Court is **DIRECTED** to enter a judgment of dismissal, without  
26 prejudice, without further notice to Plaintiff, if Plaintiff fails to file a Second  
27 Amended Complaint within thirty (30) days of the filing date of this Order.
- 28 4. A clear, legible copy of every pleading or other document filed shall accompany  
each original pleading or other document filed with the Clerk for use by the

1 District Judge to whom the case is assigned. *See* LRCiv 5.4, Rules of Practice of  
2 the U.S. District Court for the District of Arizona. Failure to submit a copy along  
3 with the original pleading or document will result in the pleading or document  
4 being stricken without further notice to Plaintiff.

- 5 5. At all times during the pendency of this action, Plaintiff shall immediately advise  
6 the Court of any change of address and its effective date. Such notice shall be  
7 captioned “Notice of Change of Address” and shall be filed no later than fourteen  
8 (14) days before the effective date of the change. *See* LRCiv 83.3(d), Rules of  
9 Practice of the U.S. District Court for the District of Arizona. The notice shall  
10 contain only information pertaining to the change of address and its effective date.  
11 The notice shall not include any motions for any other relief. Plaintiff shall serve  
12 a copy of the Notice of Change of Address on all served opposing parties. Failure  
13 to file a Notice of Change of Address may result in the dismissal of the action for  
14 failure to prosecute and/or failure comply with the Court’s orders and rules  
15 pursuant to Fed. R. Civ. P. 41(b).

16 Dated this 2nd day of August, 2018.

17  
18   
19 Honorable Jennifer G. Zipp  
20 United States District Judge  
21  
22  
23  
24  
25  
26  
27  
28