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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

<b>Case No.</b>	CV 09-3340 AHM (AJWx)	<b>Date</b>	November 19, 2009
<b>Title</b>	FORD v. TRI-COUNTIES REGIONAL CENTERS		

<b>Present: The Honorable</b>	A. HOWARD MATZ, U.S. DISTRICT JUDGE
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Stephen Montes

Not Reported

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys **NOT** Present for Plaintiffs:

Attorneys **NOT** Present for Defendants:

**Proceedings:** IN CHAMBERS (No Proceedings Held)

The Court DENIES Defendant's motion<sup>1</sup> to dismiss and/or strike Plaintiff's Amended Complaint under Federal Rules of Civil Procedure Sections 10(b) and 41(b) for the following reasons.<sup>2</sup>

Defendant bases its motion to dismiss Plaintiff's Amended Complaint solely on the grounds that Plaintiff did not precisely follow the letter of the Court's September 18, 2009 Order requiring him to set forth his factual allegations in numbered paragraphs and separate each cause of action into its own labeled heading. Defendant does not make any substantive arguments that the Amended Complaint fails to state a claim or even that Defendant is unable to respond to the pleading as set forth.

Defendant's arguments do not warrant dismissal of Plaintiff's Amended Complaint. Plaintiff has obeyed the spirit of the Court's September 18, 2009 Order, even if not the exact letter. Plaintiff culled his 22-page, rambling Complaint involving the alleged violation of rights of a number of individuals (not just himself) down to a two-page Amended Complaint that clearly states that his claims are for a failure to promote him on the basis of race that he alleges violates the 1964 Civil Rights Act. He specifies the dates of the alleged violations, so Defendant is on notice for statute of limitations

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<sup>1</sup>Docket No. 31.

<sup>2</sup>Although Plaintiff has failed to file an opposition to Defendant's motion, the Court declines to grant the motion on that basis because it is clear that the motion is defective on its merits.

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purposes. The Complaint puts the Defendant on notice of the claims and facts supporting them and is sufficient for it to prepare a responsive pleading. Moreover, Plaintiff is proceeding *pro se* and is, therefore, entitled to have his complaint in this case construed liberally. *See Karim-Panahi v. Los Angeles Police Dep't.*, 839 F.2d 621, 623 (9th Cir. 1988). Therefore, Defendant's motion to dismiss or strike the Amended Complaint is denied.

No hearing is necessary. Fed. R. Civ. P. 78; L. R. 7-15.

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Initials of Preparer SMO  
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