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3 UNITED STATES DISTRICT COURT  
4 FOR THE EASTERN DISTRICT OF CALIFORNIA

5 MICHAEL ANDREW TATER,

6 Plaintiff,

7  
8 v.

9 COUNTY OF FRESNO, et al.,

10 Defendants.

1:10-CV-00088 OWW SMS  
ORDER DISMISSING CASE

11 The Clerk of Court opened this case upon *pro se*  
12 Plaintiff's filing of a motion for preliminary  
13 injunction, Doc. 1, and a request to proceed *in forma*  
14 *pauperis*, Doc. 6. As explained in a January 26, 2010  
15 order, Federal Rule of Civil Procedure 3 provides that  
16 "[a] civil action is commenced by filing a complaint with  
17 the court." Doc. 8.  
18

19 Plaintiff was instructed to file a complaint within  
20 thirty (30) days, or February 26, 2010, and was warned  
21 that if he failed to do so, his case would be dismissed.  
22 *Id.* On February 12, 2010, Plaintiffs submitted a  
23 document entitled "inability to comply with court order,"  
24 which indicated that Plaintiff was "unable to start the  
25 complaint" because he has been "unable to use [his] left  
26 arm." Doc. 9 at ¶1. Plaintiff explained that he filed  
27  
28

1 his preliminary injunction "hoping to avoid the extensive  
2 litigation that would result from filing a complaint...."  
3 Doc. 9 at ¶3.

4 Plaintiff's motion for preliminary injunction cannot  
5 be construed as a complaint. He complains in the motion  
6 that the County of Fresno illegally withheld his vehicle  
7 registration, asserts that he needs his vehicle to  
8 transport himself to medical appointments, and mentions  
9 various laws and constitutional provisions. However, the  
10 motion fails to explain the legal and factual bases for  
11 any claim over which this court might have jurisdiction.  
12 Moreover, Plaintiff fails to clearly identify the  
13 targeted defendants.

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15  
16 No matter how compelling Plaintiffs' claims of  
17 disability or extremis, a district court is without  
18 jurisdiction to permit a case to proceed without a  
19 complaint. See *In re Special Grand Jury*, 674 F.2d 778,  
20 783 (9th Cir. 1982). This case is DISMISSED WITHOUT  
21 PREJUDICE.

22  
23 SO ORDERED  
Dated: March 3, 2010

24 /s/ Oliver W. Wanger  
25 Oliver W. Wanger  
26 United States District Judge  
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