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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TAMMY JOAN PORSCH,
Plaintiff,
v.
BETH MORRISON, et al.,
Defendants.

Case No. 1:13-cv-01795-AWI-SAB
**ORDER DISREGARDING LETTER AND
GRANTING PLAINTIFF THIRTY DAYS IN
WHICH TO FILE AN AMENDED COMPLAINT**
(ECF No. 7)

Plaintiff Tammy Joan Porsch, proceeding pro se, filed this civil action on November 6, 2013. Plaintiff filed a civil complaint coversheet and a letter to the court which the Court construed as a complaint. On November 15, 2013, Plaintiff’s complaint was dismissed with leave to amend. Plaintiff was informed of the legal standards that apply to her claims and informed that to proceed in this action she must file an amended complaint. On December 12, 2013, Plaintiff filed a letter to the Court. Plaintiff’s letter is disregarded and Plaintiff shall be granted thirty days in which to file an amended complaint that complies with the order issued November 15, 2013.

As Plaintiff was previously informed, in order to commence a civil action, a plaintiff must file a complaint as required by Rule 3 of the Federal Rules of Civil Procedure. Plaintiff’s complaint must contain complaint must contain “a short and plain statement of the claim showing that the pleader is entitled to relief. . . .” Fed. R. Civ. P. 8(a)(2). Detailed factual allegations are not required, but “[t]hreadbare recitals of the elements of a cause of action, supported by mere

1 conclusory statements, do not suffice.” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (citing Bell
2 Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)).

3 Plaintiff is given the following guidance in filing an amended complaint. “Each allegation
4 must be simple, concise, and direct.” Federal Rule of Civil Procedure 8(d)(1). A party must state
5 its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of
6 circumstances.” Federal Rule of Civil Procedure 10(b). “[E]ach claim founded on a separate
7 transaction or occurrence . . . must be stated in a separate count.” Federal Rule of Civil Procedure
8 10(b).

9 In her amended complaint, Plaintiff shall state as briefly as possible the facts of her case,
10 describing how each defendant is involved. Conclusory allegations are not sufficient to state a
11 plausible claim for relief. Iqbal, 556 U.S. at 678 (quoting Twombly, 550 U.S. at 570). Plaintiff
12 shall separate her claims, so that it is clear what her claims are and who the defendants involved
13 are. Further, for each claim, Plaintiff shall clearly and succinctly set forth the facts to state the
14 acts or failure to act by each Defendant that led to a knowing violation of Plaintiff’s federal
15 rights.

16 Plaintiff states that she is “here to begin custody of [her] children.” Plaintiff is advised
17 that the federal court’s jurisdiction is limited in nature and its power to issue equitable orders may
18 not go beyond what is necessary to correct the underlying constitutional violations which form
19 the actual case or controversy. 18 U.S.C. § 3626(a)(1)(A); Summers v. Earth Island Institute, 555
20 U.S. 488, 493, 129 S.Ct. 1142, 1149 (2009); Steel Co. v. Citizens for a Better Env’t, 523 U.S. 83,
21 103-04, 118 S.Ct. 1003 (1998); City of Los Angeles v. Lyons, 461 U.S. 95, 101, 103 S.Ct. 1660,
22 1665 (1983); Mayfield v. United States, 599 F.3d 964, 969 (9th Cir. 2010). Until such time as
23 Plaintiff files a complaint that states a claim, this Court does not have jurisdiction to consider her
24 request that her children be returned to her.

25 Based on the foregoing, IT IS HEREBY ORDERED that:

- 26 1. Plaintiff’s letter, filed December 12, 2013, is DISREGARDED;
- 27 2. Within thirty days from the date of service of this order, Plaintiff shall file an
28 amended complaint that complies with the order issued November 14, 2013; and

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3. If Plaintiff fails to file an amended complaint that complies with the November 14, 2013 order, this action shall be dismissed.

IT IS SO ORDERED.

Dated: December 26, 2013


UNITED STATES MAGISTRATE JUDGE