



1 A complaint must contain “a short and plain statement of the claim showing that the pleader is  
2 entitled to relief. . . .” Fed. R. Civ. P. 8(a)(2). Detailed factual allegations are not required, but  
3 “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements,  
4 do not suffice.” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (citing Bell Atlantic Corp. v. Twombly,  
5 550 U.S. 544, 555 (2007)). Plaintiff must demonstrate that each named defendant personally  
6 participated in the deprivation of his rights. Iqbal, 556 U.S. at 676-677; Simmons v. Navajo County,  
7 Ariz., 609 F.3d 1011, 1020-1021 (9th Cir. 2010).

8 Prisoners proceeding pro se in civil rights actions are still entitled to have their pleadings  
9 liberally construed and to have any doubt resolved in their favor, but the pleading standard is now  
10 higher, Wilhelm v. Rotman, 680 F.3d 1113, 1121 (9th Cir. 2012) (citations omitted), and to survive  
11 screening, Plaintiff’s claims must be facially plausible, which requires sufficient factual detail to allow  
12 the Court to reasonably infer that each named defendant is liable for the misconduct alleged. Iqbal,  
13 556 U.S. at 678-79; Moss v. U.S. Secret Serv., 572 F.3d 962, 969 (9th Cir. 2009). The “sheer  
14 possibility that a defendant has acted unlawfully” is not sufficient, and “facts that are ‘merely  
15 consistent with’ a defendant’s liability” falls short of satisfying the plausibility standard. Iqbal, 556  
16 U.S. at 678; Moss, 572 F.3d at 969.

## 17 II.

### 18 COMPLAINT ALLEGATIONS

19 Plaintiff contends that Fresno County Sheriff Margaret Mims is allowing “modern day slavery”  
20 to take place against parties in two separate criminal actions. Plaintiff’s sister, children, and mother of  
21 his children have been the victim of human trafficking throughout the city and county of Fresno.

22 Plaintiff seeks an order to stop the human trafficking, compensatory damages, punitive  
23 damages, and trial by jury.

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1 **III.**

2 **DISCUSSION**

3 **A. Section 1983 Liability**

4 The Civil Rights Act, codified at 42 U.S.C. § 1983 “is not itself a source of substantive rights,  
5 but merely provides a method for vindicating federal rights elsewhere conferred.” Graham v. Connor,  
6 490 U.S. 386, 393-94 (1989) (internal quotation marks and citations omitted).

7 [Section 1983] creates a cause of action against a person who, acting under color of state law,  
8 deprives another of rights guaranteed under the Constitution. Section 1983 does not create any  
9 substantive rights; rather it is the vehicle whereby plaintiffs can challenge actions by  
10 governmental officials. To prove a case under section 1983, the plaintiff must first  
demonstrate that (1) the action occurred “under color of state law” and (2) the action resulted  
in the deprivation of a constitutional right or federal statutory right. [citation omitted].

11 Jones v. Williams, 297 F.3d 930, 934 (9th Cir. 2002).

12 At a minimum, to state a claim under 42 U.S.C. § 1983, a plaintiff must allege that: (1) a  
13 person was acting under color of state law at the time the act complained of was committed; and (2)  
14 that person’s conduct deprived plaintiff of rights, privileges or immunities secured by the Constitution  
15 or laws of the United States. Paratt v. Taylor, 451 U.S. 527, 535 (1981). To warrant relief under the  
16 Civil Rights Act, a plaintiff must allege and show that defendant’s acts or omissions caused the  
17 deprivation of his constitutionally protected rights. Leer v. Murphy, 844 F.2d 628, 633 (9th Cir.  
18 1993). Thus, the statute plainly requires that there be an actual causal connection or link between the  
19 actions of the defendants and the deprivation alleged to have been suffered by plaintiff. See Monell v.  
20 Department of Social Services, 436 U.S. 658 (1978); Rizzo v. Goode, 423 U.S. 362 (1976).

21 **B. Standing**

22 “Standing is the determination of whether a specific person is the proper party to bring a  
23 particular matter to the court for adjudication,” and a federal court is obliged to examine plaintiff’s  
24 standing pursuant to Article III of the United States Constitution. See Justice v. Vail, 430 U.S. 327,  
25 3310 (1977).

26 A plaintiff generally has standing to assert claims for the violation of his/her own legal rights  
27 and do not have standing to assert claims for the violations of the legal rights of other persons. See  
28 Barrows v. Jackson, 346 U.S. 249, 255 (1953). There is an exception to the general rule, if “the

1 litigant can demonstrate that he or she has suffered a concrete, redressable injury, that he or she has a  
2 close relation with the third party, and that there exists some hindrance to the third party's ability to  
3 protect his or her own interests." Edmonson v. Leesville, 500 U.S. 614, 629 (1991).

4 There are no facts whatsoever to indicate that Plaintiff has standing to challenge the alleged  
5 human trafficking violations, or that Plaintiff can, by way of amendment, establish standing to  
6 challenge the alleged constitutional violations to third party individuals. Thus, although the Court  
7 would generally grant Plaintiff leave to amend in light of his pro se status, amendment is futile in this  
8 instance because the deficiencies cannot be cured by amendment. See Lopez v. Smith, 203 F.3d  
9 1122, 1127 (9th Cir. 2000); Schmier v. U.S. Court of Appeals for the Ninth Circuit, 279 F.3d 817, 824  
10 (9th Cir. 2002) (recognizing "[f]utility of amendment" as a proper basis for dismissal without leave to  
11 amend). Accordingly, the instant complaint must be dismissed, without prejudice, for failure to state a  
12 cognizable claim for relief. See Fleck & Assoc., Inc. v. City of Phoenix, 471 F.3d 1100, 1106-07 (9th  
13 Cir. 2006) (dismissal for lack of standing is without prejudice).

14 **IV.**

15 **ORDER**

16 Based on the foregoing, it is HEREBY ORDERED that the complaint is dismissed, without  
17 prejudice, for failure to state a cognizable claim for relief and the Clerk of Court is directed to  
18 terminate this action.

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20 IT IS SO ORDERED.

21 Dated: April 19, 2017



22 UNITED STATES MAGISTRATE JUDGE