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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL FRANCIS HENDRIE,

Plaintiff,

v.

UNITED STATES OF AMERICA,
et al.,

Defendants.

No. CIV.S-06-1617 LKK DAD PS

ORDER AND
FINDINGS AND RECOMMENDATIONS

_____ /

Plaintiff, proceeding in this action pro se, has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 72-302(c) (21), pursuant to 28 U.S.C. § 636(b) (1).

Plaintiff has submitted an affidavit making the showing required by 28 U.S.C. § 1915(a) (1). Accordingly, the request to proceed in forma pauperis will be granted.

Plaintiff's handwritten complaint and his subsequently filed amended complaint are unintelligible. Plaintiff's difficult to

1 decipher handwriting, which is accompanied by various lines, arrows,
2 boxes, numbers, unusual punctuation and profanity, is densely
3 scrawled across a series of pages. It is impossible to determine the
4 precise nature of this action, which apparently is directed at the
5 United States of America, President George W. Bush, former President
6 William J. Clinton, and perhaps others. No basis for federal
7 jurisdiction is alleged. Indeed, the undersigned finds that the
8 court lacks subject matter jurisdiction over this action. See Bell
9 v. Hood, 327 U.S. 678, 682 (recognizing that a claim is subject to
10 dismissal for want of jurisdiction where it is "wholly insubstantial
11 and frivolous" and "so patently without merit"); Hagans v. Levine,
12 415 U.S. 528, 543 (stating that a claim may be dismissed for lack of
13 jurisdiction where it is "so insubstantial, implausible, foreclosed
14 by prior decisions of this Court or otherwise completely devoid of
15 merit as not to involve a federal controversy within the jurisdiction
16 of the District Court"). See also Franklin v. Murphy, 745 F.2d 1221,
17 1227 (9th Cir. 1984) ("A paid complaint that is 'obviously frivolous'
18 does not confer federal subject matter jurisdiction and may be
19 dismissed sua sponte before service of process.") (citations omitted).
20 Accordingly, the undersigned will recommend that this action be
21 dismissed with prejudice for lack of subject matter jurisdiction.

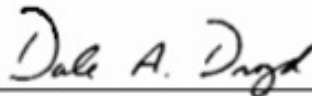
22 Plaintiff also has filed a flurry of motions since
23 initiating this action on July 21, 2006. Those motions are as
24 confusing and indecipherable as plaintiff's complaint and amended
25 complaint, and together with those pleadings, demonstrate that
26 granting leave to amend his complaint would be futile.

1 Accordingly, IT IS HEREBY ORDERED that plaintiff's request
2 for leave to proceed in forma pauperis in the above-listed action is
3 granted. All other pending requests and motions are denied.

4 IT IS HEREBY RECOMMENDED that this matter be dismissed for
5 lack of subject matter jurisdiction. See Fed. R. Civ. P. 12(h)(3).

6 These findings and recommendations are submitted to the
7 United States District Judge assigned to the case, pursuant to the
8 provisions of 28 U.S.C. § 636(b)(1). Within ten (10) days after
9 being served with these findings and recommendations, plaintiff may
10 file written objections with the court and serve a copy on all
11 parties. Such a document should be captioned "Objections to
12 Magistrate Judge's Findings and Recommendations." Plaintiff is
13 advised that failure to file objections within the specified time may
14 waive the right to appeal the District Court's order. See Martinez
15 v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

16 DATED: August 3, 2006.

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18 _____
DALE A. DROZD
19 UNITED STATES MAGISTRATE JUDGE

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