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

ARNOLD D. BUTLER,  
Plaintiff,

No. CIV S-11-1052 GGH P

vs.

PEOPLE OF THE STATE OF  
CALIFORNIA,

Defendants.

ORDER

Plaintiff, an inmate of Butte County Jail, has purported to file a civil rights complaint. Plaintiff has consented to the jurisdiction of the undersigned. See Docket # 5. By Order, filed on April 29, 2011, was directed to file a properly completed and adequately supported in forma pauperis affidavit. On May 5, 2011, plaintiff returned a form which again was not properly completed, asserting that jail officials would not or could not assist him. In any case, the court will not rule on plaintiff's in forma pauperis request at this time, but the documentation plaintiff has submitted indicates that he has \$945.39 in his jail account. Should plaintiff seek to proceed in this case without further documentation to support his request to proceed in forma pauperis, his request for in forma pauperis status will likely be denied in light of his apparent sufficiency of funds to pay the \$350.00 filing fee.

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1 Plaintiff's complaint is woefully deficient. He attaches a one-sheet form  
2 complaint (not from this district) and a civil case cover sheet to a single page on which he has  
3 written the following:

- 4 1. Ineffective assistance of counsel
- 5 2. Deprived the right by the courts to file my claim violation of due process
- 6 3. Violation of Constitution [sic] right
- 7 4. Officers or Paritys [sic] under color of authority  
8 clothing under color

9 Complaint, p. 2.

10 This constitutes the whole of the filing; while the civil cover sheet is signed, the  
11 document representing the complaint is not, which is a requirement of Fed. R. Civ. P. 11(a). In  
12 order to commence an action, plaintiff must file a complaint as required by Rule 3 of the Federal  
13 Rules of Civil Procedure, and plaintiff must either pay the required filing fee or file an  
14 application requesting leave to proceed in forma pauperis.<sup>1</sup> See 28 U.S.C. §§ 1914(a), 1915(a).  
15 In addition, Fed. R. Civ. P 8 sets forth general rules of pleading in the federal courts. Complaints  
16 are required to set a forth (1) the grounds upon which the court's jurisdiction rests, (2) a short and  
17 plain statement of the claim showing entitlement to relief; and (3) a demand for the relief  
18 plaintiff seeks. The complaint meets none of these requirements. Rule 8 requires "sufficient  
19 allegations to put defendants fairly on notice of the claims against them." McKeever v. Block,  
20 932 F.2d 795, 798 (9th Cir. 1991)). Accord Richmond v. Nationwide Cassel L.P., 52 F.3d 640,  
21 645 (7th Cir. 1995) (amended complaint with vague and scanty allegations fails to satisfy the  
22 notice requirement of Rule 8.). The defective complaint must be stricken, pursuant to Fed. R.  
23 Civ. P. 11(a), but plaintiff will be granted leave to file an amended complaint within twenty-eight  
24 days. Plaintiff will be provided another opportunity to request leave to proceed in forma pauperis  
25 or to submit the appropriate filing fee.

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<sup>1</sup> If leave to file in forma pauperis is granted, plaintiff will still be required to pay the filing fee but will be allowed to pay it in installments.

1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Plaintiff's unsigned and otherwise defective complaint is stricken, pursuant to  
3 Fed. R. Civ. P. 11(a);

4 2. Plaintiff is granted twenty-eight days from the date of service of this order to  
5 file an amended complaint that complies with the requirements of the Civil Rights Act, the  
6 Federal Rules of Civil Procedure, and the Local Rules of Practice; the amended complaint must  
7 bear the docket number assigned this case; plaintiff must file an original and two copies of the  
8 amended complaint. Plaintiff shall also submit, within twenty-eight days from the date of this  
9 order, the application to proceed in forma pauperis on the form provided by the Clerk of Court,  
10 or the filing fee in the amount of \$350.00. Plaintiff's failure to comply with this order will result  
11 in a recommendation that this matter be dismissed; and

12 3. The Clerk of the Court is directed to send plaintiff the court's form for filing a  
13 civil rights action, and the application to proceed in forma pauperis by a prisoner.

14 DATED: May 23, 2011

15 /s/ Gregory G. Hollows

16 UNITED STATES MAGISTRATE JUDGE

17 GGH:009  
18 butl1052.noc