

1 relief may be granted,” or “seeks monetary relief from a defendant who is immune from such
2 relief.” *Id.* § 1915A(b).

3 A pro se plaintiff, like other litigants, must satisfy the pleading requirements of Rule 8(a)
4 of the Federal Rules of Civil Procedure. Rule 8(a)(2) “requires a complaint to include a short and
5 plain statement of the claim showing that the pleader is entitled to relief, in order to give the
6 defendant fair notice of what the claim is and the grounds upon which it rests.” *Bell Atl. Corp. v.*
7 *Twombly*, 550 U.S. 544, 554, 562-563 (2007) (citing *Conley v. Gibson*, 355 U.S. 41 (1957)).

8 While the complaint must comply with the “short and plain statement” requirements of Rule 8,
9 its allegations must also include the specificity required by *Twombly* and *Ashcroft v. Iqbal*, 556
10 U.S. 662, 679 (2009).

11 To avoid dismissal for failure to state a claim a complaint must contain more than “naked
12 assertions,” “labels and conclusions” or “a formulaic recitation of the elements of a cause of
13 action.” *Twombly*, 550 U.S. at 555-557. In other words, “[t]hreadbare recitals of the elements of
14 a cause of action, supported by mere conclusory statements do not suffice.” *Iqbal*, 556 U.S. at
15 678.

16 Furthermore, a claim upon which the court can grant relief must have facial plausibility.
17 *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual
18 content that allows the court to draw the reasonable inference that the defendant is liable for the
19 misconduct alleged.” *Iqbal*, 556 U.S. at 678. When considering whether a complaint states a
20 claim upon which relief can be granted, the court must accept the allegations as true, *Erickson v.*
21 *Pardus*, 551 U.S. 89 (2007), and construe the complaint in the light most favorable to the
22 plaintiff, *see Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974).

23 **III. Screening Order**

24 The court has reviewed plaintiff’s complaint pursuant to § 1915A and finds it must be
25 dismissed because plaintiff seeks relief from a defendant who is immune from suit and fails to
26 state a claim for relief.

27 Plaintiff alleges that the Clerk of the California Supreme Court responded to plaintiff’s
28 petition with instructions on how to proceed with documentation, and that after plaintiff complied

1 with those instructions, the Clerk informed plaintiff that his petition had been denied, and
2 returned plaintiff's documentation. ECF No. 1, § IV. Plaintiff's requested relief is for the court
3 "to do what must be done legally to insure that no one else would suffer what [plaintiff has]
4 suffered and continue to suffer to make sure accountability be brought to the table." *Id.*, § V.

5 "Court clerks have absolute quasi-judicial immunity from damages for civil rights
6 violations when they perform tasks that are an integral part of the judicial process." *Mullis v.*
7 *United States Bankruptcy Court*, 828 F.2d 1385, 1390 (9th Cir. 1987), *cert. denied*, 486 U.S.
8 1040 (1988). This immunity extends to actions for declaratory, injunctive, and other equitable
9 relief. *Id.* at 1394. Plaintiff's request for relief, vague as it is, appears to seek some form of
10 equitable relief. This action must therefore be dismissed pursuant to § 1915A because it seeks
11 relief from a defendant who is immune from suit.

12 Plaintiff does not identify any specific claims for relief and his allegations and are not
13 sufficient to state a cognizable claim for a violation of his federal constitutional rights. To state a
14 claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements: (1) that a right
15 secured by the Constitution or laws of the United States was violated, and (2) that the alleged
16 violation was committed by a person acting under the color of state law. *West v. Atkins*, 487 U.S.
17 42, 48 (1988).

18 Because the deficiencies in plaintiff's claim cannot be cured by further amendment, the
19 complaint is dismissed without leave to amend. *Silva v. Di Vittorio*, 658 F.3d 1090, 1105 (9th
20 Cir. 2011) ("Dismissal of a pro se complaint without leave to amend is proper only if it is
21 absolutely clear that the deficiencies of the complaint could not be cured by amendment."
22 (internal quotation marks omitted)); *Doe v. United States*, 58 F.3d 494, 497 (9th Cir. 1995) ("[A]
23 district court should grant leave to amend even if no request to amend the pleading was made,
24 unless it determines that the pleading could not be cured by the allegation of other facts.").

25 **IV. Order and Recommendation**

26 Accordingly, IT IS HEREBY ORDERED that:

- 27 1. Plaintiff's request to proceed in forma pauperis (ECF No. 2) is granted.

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