



1 To avoid dismissal for failure to state a claim, a complaint must contain more than “naked  
2 assertions,” “labels and conclusions,” or “a formulaic recitation of the elements of a cause of  
3 action.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57 (2007). In other words,  
4 “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory  
5 statements do not suffice.” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). Furthermore, a claim  
6 upon which the court can grant relief has facial plausibility. Twombly, 550 U.S. at 570. “A  
7 claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw  
8 the reasonable inference that the defendant is liable for the misconduct alleged.” Iqbal, 556 U.S.  
9 at 678. When considering whether a complaint states a claim upon which relief can be granted,  
10 the court must accept the factual allegations as true, Erickson v. Pardus, 551 U.S. 89, 94 (2007),  
11 and construe the complaint in the light most favorable to the plaintiff, see Scheuer v. Rhodes, 416  
12 U.S. 232, 236 (1974).

13 Pro se pleadings are liberally construed. See Haines v. Kerner, 404 U.S. 519, 520-21  
14 (1972); Balistreri v. Pacifica Police Dep’t, 901 F.2d 696, 699 (9th Cir. 1988). Unless it is clear  
15 that no amendment can cure the defects of a complaint, a pro se plaintiff proceeding *in forma*  
16 *pauperis* is ordinarily entitled to notice and an opportunity to amend before dismissal. See Noll  
17 v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987); Franklin v. Murphy, 745 F.2d 1221, 1230 (9th  
18 Cir. 1984).

19 Liberally construed, plaintiff’s complaint in this case alleges that defendant Jahman Yates  
20 and an unidentified woman, working as agents for the Social Security Administration, have been  
21 “watching” plaintiff and her family and putting their “li[ves] in danger.” (ECF No. 1 at 2.) It  
22 further alleges that “every time [plaintiff] tr[ies] to find help[defendant and the woman] go right  
23 behind [plaintiff] and tell people what they want to hear.” (Id.) Finally, it alleges that an  
24 unidentified “judge has been putting [defendant and the woman] up to the harassment” even  
25 though plaintiff has “been to court” and “did all they ask [her] to do.” (Id.) Based on these  
26 allegations, plaintiff appears to request relief in the form of “going back to court in Washing [sic]  
27 D.C.” (Id.)

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1 Plaintiff has also attached a civil cover sheet to her complaint claiming that the basis of  
2 jurisdiction for this action results from the “U.S. Government” being the plaintiff in this action.  
3 (ECF No. 1-1.) This cover sheet also alleges that the complaint asserts claims for “Assault, Libel  
4 & Slander,” that this is a “civil rights” action, and that this is a “reinstated or reopened” case.  
5 (Id.)

6 There are several problems with plaintiff’s complaint. First, plaintiff claims that this court  
7 has jurisdiction over this action because the United States is the plaintiff. However, private  
8 citizens generally may not assert an action on the United States’ behalf unless granted clear  
9 statutory permission to do so. See, e.g., 31 U.S.C. § 3730(b) (providing that a private person may  
10 bring a civil action for violations of the False Claims Act in the name of the United States). Here,  
11 plaintiff does not allege that such authority exists for her claims in this action, and the court is  
12 aware of none.

13 Second, although the complaint broadly alleges that this is a civil rights action, plaintiff  
14 fails to allege which constitutional or statutory right she is seeking to vindicate through her claim  
15 or claims. Similarly, plaintiff fails to even remotely allege sufficient facts from which the court  
16 can draw a reasonable inference that the officials involved engaged in the sort of conduct that  
17 could support claims for assault or defamation under California State law. Indeed, plaintiff’s  
18 present allegations suggest only that the officials involved watched her and her family, put her  
19 and her family in unspecified life threatening danger, and went behind plaintiff to “tell people  
20 what they want to hear.” (ECF No. 1 at 2.) Even assuming that the officials harassed plaintiff  
21 and her family and made statements behind her back, such conduct is not alleged with degree of  
22 factual specificity necessary to satisfy the applicable pleading requirements. See Iqbal, 556 U.S.  
23 at 678 (“A claim has facial plausibility when the plaintiff pleads factual content that allows the  
24 court to draw the reasonable inference that the defendant is liable for the misconduct alleged.”).

25 Finally, it does not appear from the complaint’s allegations that the court can grant  
26 plaintiff’s sole request for relief of “going back to court in Washing [sic] D.C.” (ECF No. 1 at 2.)  
27 Plaintiff fails to specify whether she requests monetary damages, or some form of cognizable  
28 non-monetary relief such as declaratory or injunctive relief.

