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

JON LLOYD HOUSTON,

No. 2:16-CV-0869-CMK-P

Plaintiff,

vs.

ORDER

SACRAMENTO COUNTY
SUPERIOR COURT, et al.,

Defendants.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s complaint (Doc. 1).

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief can be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. See 28 U.S.C. § 1915A(b)(1), (2). Moreover, the Federal Rules of Civil Procedure require that complaints contain a “. . . short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2).

1 This means that claims must be stated simply, concisely, and directly. See McHenry v. Renne,
2 84 F.3d 1172, 1177 (9th Cir. 1996) (referring to Fed. R. Civ. P. 8(e)(1)). These rules are satisfied
3 if the complaint gives the defendant fair notice of the plaintiff's claim and the grounds upon
4 which it rests. See Kimes v. Stone, 84 F.3d 1121, 1129 (9th Cir. 1996). Because plaintiff must
5 allege with at least some degree of particularity overt acts by specific defendants which support
6 the claims, vague and conclusory allegations fail to satisfy this standard. Additionally, it is
7 impossible for the court to conduct the screening required by law when the allegations are vague
8 and conclusory.

9 Plaintiff names the following as defendants: (1) Sacramento County Superior
10 Court; and (2) Sacramento County. Plaintiff states that he was booked into the Sacramento
11 County Jail in June 26, 2015, and bail was set at \$645,000.00, which included a \$500,000.00
12 "bail enhancement" for a prior serious felony conviction. Plaintiff alleges that the bail amount
13 was unconstitutional.

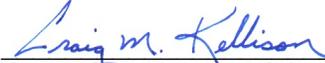
14 While plaintiff states that his bail amount was unconstitutional, plaintiff does not
15 state why. According to the complaint, plaintiff was booked on charges of violations of
16 California Penal Code § 29800 – felon in possession of a firearm – and California Penal Code
17 § 30305 – possession of ammunition by a prohibited person. Plaintiff admits in his complaint a
18 prior serious felony conviction. Finally, plaintiff admits that he pleaded no-contest to these
19 charges. Assuming for the moment that plaintiff's claim of excessive bail is cognizable under
20 § 1983 and assuming that his claim is not moot because he pleaded no-contest, plaintiff has not
21 alleged any facts to indicate that bail was set at a figure higher than was reasonably calculated to
22 ensure his appearance. See Stack v. Boyle, 342 U.S. 1 (1951).

23 Because it does not appear possible that the deficiencies identified herein can be
24 cured by amending the complaint, plaintiff is not entitled to leave to amend prior to dismissal of
25 the entire action. See Lopez v. Smith, 203 F.3d 1122, 1126, 1131 (9th Cir. 2000) (en banc).
26 Plaintiff shall show cause in writing, within 30 days of the date of this order, why this action

1 should not be dismissed for failure to state a claim. Plaintiff is warned that failure to respond to
2 this order may result in dismissal of the action for the reasons outlined above, as well as for
3 failure to prosecute and comply with court rules and orders. See Local Rule 110.

4 IT IS SO ORDERED.

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6 DATED: August 23, 2017

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8 **CRAIG M. KELLISON**
9 UNITED STATES MAGISTRATE JUDGE
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