



1 of Civil Procedure, the complaint must contain (1) a “short and plain statement” of the basis for  
2 federal jurisdiction (that is, the reason the case is filed in this court, rather than in a state court),  
3 (2) a short and plain statement showing that plaintiff is entitled to relief (that is, who harmed the  
4 plaintiff, and in what way), and (3) a demand for the relief sought. Fed. R. Civ. P. 8(a).

5 Plaintiff’s claims must be set forth simply, concisely and directly. Fed. R. Civ. P. 8(d)(1). Forms  
6 are available to help pro se plaintiffs organize their complaint in the proper way. They are  
7 available at the Clerk’s Office, 501 I Street, 4th Floor (Rm. 4-200), Sacramento, CA 95814, or  
8 online at [www.uscourts.gov/forms/pro-se-forms](http://www.uscourts.gov/forms/pro-se-forms).

9 A claim is legally frivolous when it lacks an arguable basis either in law or in fact.  
10 Neitzke v. Williams, 490 U.S. 319, 325 (1989). In reviewing a complaint under this standard, the  
11 court will (1) accept as true all of the factual allegations contained in the complaint, unless they  
12 are clearly baseless or fanciful, (2) construe those allegations in the light most favorable to the  
13 plaintiff, and (3) resolve all doubts in the plaintiff’s favor. See Neitzke, 490 U.S. at 327;  
14 Erickson v. Pardus, 551 U.S. 89, 94 (2007); Von Saher v. Norton Simon Museum of Art at  
15 Pasadena, 592 F.3d 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011); Hebbe v. Pliler,  
16 627 F.3d 338, 340 (9th Cir. 2010). However, the court need not accept as true, legal conclusions  
17 cast in the form of factual allegations, or allegations that contradict matters properly subject to  
18 judicial notice. See Western Mining Council v. Watt, 643 F.2d 618, 624 (9th Cir. 1981);  
19 Sprewell v. Golden State Warriors, 266 F.3d 979, 988 (9th Cir.), as amended, 275 F.3d 1187  
20 (2001).

21 Pro se pleadings are held to a less stringent standard than those drafted by lawyers.  
22 Haines v. Kerner, 404 U.S. 519, 520 (1972). Pro se complaints are construed liberally and may  
23 only be dismissed if it appears beyond doubt that the plaintiff can prove no set of facts in support  
24 of his claim which would entitle him to relief. Nordstrom v. Ryan, 762 F.3d 903, 908 (9th Cir.  
25 2014). A pro se litigant is entitled to notice of the deficiencies in the complaint and an  
26 opportunity to amend, unless the complaint’s deficiencies could not be cured by amendment. See  
27 Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987).

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1           A. The Complaint

2           Plaintiff’s complaint does not make any clear allegations against any defendants. Under  
3 the “Statement of Claim” section in the complaint form, she writes: “In one word put my life in  
4 danger and I’ve been working my butt of to be a better person and for nothing they made sure of  
5 that.” ECF No. 1 at 5. Under the heading “Relief,” she writes: “slander, unethical practice,  
6 murder of 400, harassment, discrimination, 4 & 5 amendment right, abuse of authority, invasion  
7 of privacy, preduce slander.” Id. at 8. Plaintiff attaches two pages of handwritten text that do  
8 not provide any clarity as to her claim. Id. at 9-10.

9           B. Analysis

10          Plaintiff has failed to state a legal claim, and therefore her complaint must be dismissed.  
11 In order to survive IFP screening, the complaint must allege facts showing that defendant engaged  
12 in some conduct that the law prohibits (or failed to do something the law requires), and that in  
13 doing so, defendant harmed plaintiff.

14          Plaintiff has not alleged the violation of any particular law, or made any particular  
15 allegation against any defendant. It is not clear from the few factual allegations of the complaint  
16 whether plaintiff could possibly state a claim that can be heard in this court, and that would entitle  
17 her to relief. Plaintiff will therefore be given an opportunity to amend her complaint.

18          C. Amending the Complaint

19          The amended complaint, in addition to alleging facts establishing the existence of federal  
20 jurisdiction, must contain a short and plain statement of plaintiff’s claim. The allegations of the  
21 complaint must be set forth in sequentially numbered paragraphs, with each paragraph number  
22 being one greater than the one before, each paragraph having its own number, and no paragraph  
23 number being repeated anywhere in the complaint. Each paragraph should be limited “to a single  
24 set of circumstances” where possible. Fed. R. Civ. P. 10(b). As noted above, forms are available  
25 to help plaintiffs organize their complaint in the proper way. They are available at the Clerk’s  
26 Office, 501 I Street, 4th Floor (Rm. 4-200), Sacramento, CA 95814, or online at  
27 [www.uscourts.gov/forms/pro-se-forms](http://www.uscourts.gov/forms/pro-se-forms).

28          Plaintiff must avoid excessive repetition of the same allegations. Plaintiff must avoid

1 narrative and storytelling. That is, the complaint should not include every detail of what  
2 happened, nor recount the details of conversations (unless necessary to establish the claim), nor  
3 give a running account of plaintiff's hopes and thoughts. Rather, the amended complaint should  
4 contain only those facts needed to show how the defendant legally wronged the plaintiff.

5 The amended complaint must not force the court and the defendants to guess at what is  
6 being alleged against whom. See McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996)  
7 (affirming dismissal of a complaint where the district court was "literally guessing as to what  
8 facts support the legal claims being asserted against certain defendants"). The amended  
9 complaint must not require the court to spend its time "preparing the 'short and plain statement'  
10 which Rule 8 obligated plaintiffs to submit." Id. at 1180. The amended complaint must not  
11 require the court and defendants to prepare lengthy outlines "to determine who is being sued for  
12 what." Id. at 1179.

13 Also, the amended complaint must not refer to a prior pleading in order to make plaintiff's  
14 amended complaint complete. An amended complaint must be complete in itself without  
15 reference to any prior pleading. Local Rule 220. This is because, as a general rule, an amended  
16 complaint supersedes the original complaint. See Pacific Bell Telephone Co. v. Linkline  
17 Communications, Inc., 555 U.S. 438, 456 n.4 (2009) ("[n]ormally, an amended complaint  
18 supersedes the original complaint") (citing 6 C. Wright & A. Miller, Federal Practice &  
19 Procedure § 1476, pp. 556 57 (2d ed. 1990)). Therefore, in an amended complaint, as in an  
20 original complaint, each claim and the involvement of each defendant must be sufficiently  
21 alleged.

## 22 **II. PRO SE PLAINTIFF'S SUMMARY**

23 Your complaint is being dismissed because the court cannot tell from the complaint what  
24 your legal claims are. You have not clearly explained what any individual defendant did to you  
25 that violated the law. If you wish, you may submit an amended complaint that contains a short  
26 and plain statement of what was done to you, by whom, so that the court can determine if it can  
27 hear this case. Your application to proceed in forma pauperis is being denied because the current  
28 complaint cannot go forward. If you file an amended complaint, you may file a new IFP request.

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**III. CONCLUSION**

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's request to proceed in forma pauperis (ECF No. 2) is DENIED without prejudice, because the complaint is frivolous.

2. Plaintiff shall have 30 days from the date of this order to file an amended complaint that complies with the instructions given above, along with a renewed application for IFP. Alternatively, plaintiff may pay the filing fee. If plaintiff fails to timely comply with this order, the undersigned may recommend that this action be dismissed.

DATED: June 13, 2017

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE