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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLINTON RANSOM,  
Plaintiff,  
v.  
DEPARTMENT OF VETERAN  
AFFAIRS,  
Defendant.

No. 2:17-cv-01392-TLN-CKD (PS)

FINDINGS AND RECOMMENDATIONS

Plaintiff, who proceeds pro se, has asserted federal question jurisdiction based upon allegations that defendant violated the American's with Disability Act and the California State Housing Code. (See ECF No. 1 at 4–5.) On August 24, 2017, the court granted plaintiff's application to proceed in forma pauperis. (ECF No. 3.) At the same time, the court admonished that:

The court finds the allegations in plaintiff's complaint so vague and conclusory that it is unable to determine whether the current action is frivolous or fails to state a claim for relief. The court has determined that the complaint does not contain a short and plain statement as required by Fed. R. Civ. P. 8(a)(2). Although the Federal Rules adopt a flexible pleading policy, a complaint must give fair notice and state the elements of the claim plainly and succinctly. Jones v. Community Redev. Agency, 733 F.2d 646, 649 (9th Cir. 1984). Plaintiff must allege with at least some degree of particularity overt acts which defendants engaged in that support plaintiff's claim. Id. Because plaintiff has failed to comply with

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the requirements of Fed. R. Civ. P. 8(a)(2), the complaint must be dismissed. The court will, however, grant leave to file an amended complaint.

If plaintiff chooses to amend the complaint, plaintiff must set forth the jurisdictional grounds upon which the court’s jurisdiction depends. Federal Rule of Civil Procedure 8(a). Further, plaintiff must demonstrate how the conduct complained of has resulted in a deprivation of plaintiff’s federal rights. See Ellis v. Cassidy, 625 F.2d 227 (9th Cir. 1980).

(Id. at 2–3.)

Plaintiff was granted thirty days, from August 24, 2017, to file an amended complaint.

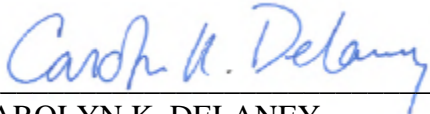
(Id. at 3.) Because plaintiff has failed to file an amended complaint or request additional time, it appears that he has chosen to abandon this action.

Accordingly, IT IS HEREBY RECOMMENDED that:

- 1. The action be dismissed without prejudice for failure to comply with Federal Rule of Civil Procedure 8(a)(2).
- 2. The Clerk of Court be directed to close this case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: October 17, 2017

  
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 CAROLYN K. DELANEY  
 UNITED STATES MAGISTRATE JUDGE