

1 P.”). The Federal Rules of Civil Procedure are available online at [www.uscourts.gov/rules-](http://www.uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure)
2 [policies/current-rules-practice-procedure/federal-rules-civil-procedure](http://www.uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure). Under the Federal Rules
3 of Civil Procedure, the complaint must contain (1) a “short and plain statement” of the basis for
4 federal jurisdiction (that is, the reason the case is filed in this court, rather than in a state court),
5 (2) a short and plain statement showing that plaintiff is entitled to relief (that is, who harmed the
6 plaintiff, and in what way), and (3) a demand for the relief sought. Fed. R. Civ. P. (“Rule”) 8(a).
7 Plaintiff’s claims must be set forth simply, concisely and directly. Rule 8(d)(1). Forms are
8 available to help pro se plaintiffs organize their complaint in the proper way. They are available
9 at the Clerk’s Office, 501 I Street, 4th Floor (Rm. 4-200), Sacramento, CA 95814, or online at
10 www.uscourts.gov/forms/pro-se-forms.

11 A claim is legally frivolous when it lacks an arguable basis either in law or in fact.
12 Neitzke v. Williams, 490 U.S. 319, 325 (1989). In reviewing a complaint under this standard, the
13 court will (1) accept as true all of the factual allegations contained in the complaint, unless they
14 are clearly baseless or fanciful, (2) construe those allegations in the light most favorable to the
15 plaintiff, and (3) resolve all doubts in the plaintiff’s favor. See Neitzke, 490 U.S. at 327;
16 Erickson v. Pardus, 551 U.S. 89, 94 (2007); Von Saher v. Norton Simon Museum of Art at
17 Pasadena, 592 F.3d 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011); Hebbe v. Pliler,
18 627 F.3d 338, 340 (9th Cir. 2010). However, the court need not accept as true, legal conclusions
19 cast in the form of factual allegations, or allegations that contradict matters properly subject to
20 judicial notice. See Western Mining Council v. Watt, 643 F.2d 618, 624 (9th Cir. 1981);
21 Sprewell v. Golden State Warriors, 266 F.3d 979, 988 (9th Cir.), as amended, 275 F.3d 1187
22 (2001).

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

1 Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987).

2 A. The Complaint

3 The allegations of the complaint are taken as true only for purposes of this screening.
4 Plaintiff alleges that defendants prevented him from taking grant money to which he was entitled.
5 ECF No. 1 at 4-5. Plaintiff alleges that employees at the Sacramento Veterans Resource Center
6 prevented him from receiving furniture to which he was entitled, and failed to pay his storage fees
7 as they were supposed to do. Id. Under “Basis for Jurisdiction,” plaintiff checked the box
8 labeled “Federal question.” Id. at 3. Where asked to identify the specific federal statutes, federal
9 treaties, and/or provisions of the United States Constitution at issue, plaintiff wrote: “failed to
10 allow me to use \$1000.00 grant money deposit for the year 2015 from 6-1-2015 to Sept. 30 2015
11 denied me grant money assistance for SMUD that I qualified for.” Id. at 4.

12 B. Analysis

13 This court lacks jurisdiction over this lawsuit, and accordingly it must be dismissed. To
14 bring a case in federal court, a party must either bring a claim under federal law, or demonstrate
15 that the parties are from different states and that over \$75,000 is in controversy. 28 U.S.C. §
16 1331, § 1332. Although plaintiff checks the “federal question” box on the complaint form, no
17 federal law claims are alleged or otherwise appear from the facts as stated. For this reason, it
18 does not appear that this federal court can hear this case.

19 II. AMENDING THE COMPLAINT

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

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

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

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

23 III. CONCLUSION

24 Accordingly, IT IS HEREBY ORDERED that:

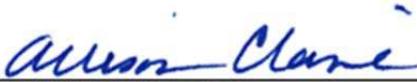
- 25 1. Plaintiff's request to proceed in forma pauperis (ECF No. 2) is GRANTED.
- 26 2. The complaint (ECF No. 1) is DISMISSED because it fails to allege facts supporting
27 federal jurisdiction.

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3. Plaintiff shall have 30 days from the date of this order to file an amended complaint that names defendants who are amenable to suit, and which complies with the instructions given above. If plaintiff fails to timely comply with this order, the undersigned may recommend that this action be dismissed.

DATED: July 13, 2017



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE