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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LIUDMYLA IEGOROVA,
Plaintiff,
v.
JOLANDA JOHNSON,
Defendants.

No. 2:17-cv-02001 MCE AC (PS)

ORDER

Plaintiff is proceeding in this action pro se. This matter was accordingly referred to the undersigned by E.D. Cal. 302(c)(21). Plaintiff has filed a request for leave to proceed in forma pauperis (“IFP”), and has submitted the affidavit required by that statute. See 28 U.S.C. § 1915(a)(1). The motion to proceed IFP will therefore be granted.

I. SCREENING

The federal IFP statute requires federal courts to dismiss a case if the action is legally “frivolous or malicious,” fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). Plaintiff must assist the court in determining whether or not the complaint is frivolous, by drafting the complaint so that it complies with the Federal Rules of Civil Procedure (“Fed. R. Civ. P.”). The Federal Rules of Civil Procedure are available online at www.uscourts.gov/rules-

1 [policies/current-rules-practice-procedure/federal-rules-civil-procedure.](#)

2 Under the Federal Rules of Civil Procedure, the complaint must contain (1) a “short and
3 plain statement” of the basis for federal jurisdiction (that is, the reason the case is filed in this
4 court, rather than in a state court), (2) a short and plain statement showing that plaintiff is entitled
5 to relief (that is, who harmed the plaintiff, and in what way), and (3) a demand for the relief
6 sought. Fed. R. Civ. P. 8(a). Plaintiff’s claims must be set forth simply, concisely and directly.
7 Fed. R. Civ. P. 8(d)(1). Forms are available to help pro se plaintiffs organize their complaint in
8 the proper way. They are available at the Clerk’s Office, 501 I Street, 4th Floor (Rm. 4-200),
9 Sacramento, CA 95814, or online at [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; Von
16 Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010), cert.
17 denied, 564 U.S. 1037 (2011).

19 The court applies the same rules of construction in determining whether the complaint
20 states a claim on which relief can be granted. Erickson v. Pardus, 551 U.S. 89, 94 (2007) (court
21 must accept the allegations as true); Scheuer v. Rhodes, 416 U.S. 232, 236 (1974) (court must
22 construe the complaint in the light most favorable to the plaintiff). Pro se pleadings are held to a
23 less stringent standard than those drafted by lawyers. Haines v. Kerner, 404 U.S. 519, 520
24 (1972). However, the court need not accept as true conclusory allegations, unreasonable
25 inferences, or unwarranted deductions of fact. Western Mining Council v. Watt, 643 F.2d 618,
26 624 (9th Cir. 1981). A formulaic recitation of the elements of a cause of action does not suffice
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1 to state a claim. Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57 (2007); Ashcroft v. Iqbal,
2 556 U.S. 662, 678 (2009).

3 To state a claim on which relief may be granted, the plaintiff must allege enough facts “to
4 state a claim to relief that is plausible on its face.” Twombly, 550 U.S. at 570. “A claim has
5 facial plausibility when the plaintiff pleads factual content that allows the court to draw the
6 reasonable inference that the defendant is liable for the misconduct alleged.” Iqbal, 556 U.S. at
7 678. A pro se litigant is entitled to notice of the deficiencies in the complaint and an opportunity
8 to amend, unless the complaint’s deficiencies could not be cured by amendment. See Noll v.
9 Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987).

11
12 A. The Complaint

13 Plaintiff has named a defendant who, according to her complaint, appears to be an
14 employee of In-Home Support Services (“IHSS”), a program of the State of California
15 Department of Developmental Services. ECF No. 1 at 2-3. Plaintiff alleges that the defendant,
16 Ms. Johnson, refused to connect a phone call to a supervisor on September 24, 2017 at 1:40 p.m.
17 Id. Plaintiff also appears to allege that her social worker did not come to her apartment on
18 September 26, 2017 because Ms. Johnson did not send her a letter or schedule a new intake
19 interview. Id. Plaintiff alleges that her care provider spoke with Ms. Johnson, and Ms. Jonson
20 harassed the care provider with false, rude information and words. Id. at 3. Plaintiff seeks \$55
21 million in damages. Id.

22 B. Analysis

23 The complaint does not contain a “short and plain” statement setting forth the basis for
24 federal jurisdiction, plaintiff’s entitlement to relief, or the relief that is sought, even though those
25 things are required by Fed. R. Civ. P. 8(a)(1)-(3). The exact nature of what happened to plaintiff
26 is obscured by the complaint, which contains apparently disconnected events and circumstances
27 that seem mostly unrelated to the only defendant in this case. The court cannot tell from
28 examining the complaint what legal wrong was done to plaintiff, by whom and when, or how any

1 alleged harm is connected to the relief plaintiff seeks.

2 II. AMENDING THE COMPLAINT

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

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

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

25 Also, the amended complaint must not refer to a prior pleading in order to make plaintiff's
26 amended complaint complete. An amended complaint must be complete in itself without
27 reference to any prior pleading. Local Rule 220. This is because, as a general rule, an amended
28 complaint supersedes the original complaint. See Pacific Bell Tel. Co. v. Linkline

1 Communications, Inc., 555 U.S. 438, 456 n.4 (2009) (“[n]ormally, an amended complaint
2 supersedes the original complaint”) (citing 6 C. Wright & A. Miller, Federal Practice &
3 Procedure § 1476, pp. 556-57 (2d ed. 1990)). Therefore, in an amended complaint, as in an
4 original complaint, each claim and the involvement of each defendant must be sufficiently
5 alleged.

6 III. PRO SE PLAINTIFF’S SUMMARY

7 The court cannot tell from plaintiff’s complaint what legal harm was done to her. The
8 court is dismissing plaintiff’s complaint, but allowing her to submit an amended complaint within
9 30 days of this order. If plaintiff chooses to submit an amended complaint, it must clearly state
10 who did what to her, and why she believes she should be able to get legal relief. Plaintiff needs to
11 tell the court, in simple terms, what laws she believes were violated, who she believes violated
12 them, and how the violations impacted her. Without this information, the court cannot tell what
13 legal claims plaintiff is trying to bring against the defendant. If plaintiff does not submit an
14 amended complaint by the deadline, her case will be dismissed.

15 IV. CONCLUSION

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. Plaintiff’s request to proceed in forma pauperis (ECF No. 2) is GRANTED.
- 18 2. The complaint (ECF No. 1), is DISMISSED because it does not contain the short and
19 plain statement of the claim required by Rule 8(a), and because it names a defendant who
20 is immune from suit.
- 21 3. Plaintiff shall have 30 days from the date of this order to file an amended complaint that
22 names defendants who are amenable to suit, and which complies with the instructions
23 given above. If plaintiff fails to timely comply with this order, the undersigned may
24 recommend that this action be dismissed.

25 DATED: October 2, 2017

26 
27 ALLISON CLAIRE
28 UNITED STATES MAGISTRATE JUDGE