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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

J. E. BRESSMAN,

No. C 05-04663 WHA

Plaintiff,

v.

**ORDER GRANTING
APPLICATION TO PROCEED
IN FORMA PAUPERIS AND
DISMISSING COMPLAINT**

IRS,

Defendant.

Plaintiff J.E. Bressman filed his complaint and application to proceed in forma pauperis on November 15, 2005. A court may authorize a plaintiff to prosecute an action in federal court without prepayment of fees or security therefor, if the plaintiff submits an affidavit showing that he or she is unable to pay such fees. 28 U.S.C. § 1915(a). Plaintiff has submitted the required documentation, and it is evident from his application that his assets and income are insufficient to enable plaintiff to pay the filing fees.

Viewing plaintiff's application in isolation, it thus appears that he should be allowed to proceed in forma pauperis. A court is under a continuing duty, however, to dismiss a case whenever it determines that the action "(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2)(B)(i)–(iii).

Plaintiff's two-sentence complaint concerning an IRS lien against plaintiff's social security benefits does not appear to state any cognizable claims. It is also unclear what relief is requested. Accordingly, the complaint must be dismissed. *Lopez v. Smith*, 203 F.3d 1122, 1126

1 (9th Cir. 2000)(holding that a district court is required “to dismiss an in forma pauperis
2 complaint that fails to state a claim”).


3 For the foregoing reasons, this order **GRANTS** plaintiff’s application to proceed in forma
4 pauperis, and simultaneously **DISMISSES** the complaint with leave to amend. This means
5 plaintiff may file an amended complaint as long as it is received in the Clerk’s office by
6 **DECEMBER 1, 2005**. Otherwise, judgment will be entered accordingly. The amended
7 complaint shall comply with the following requests:

- 8 1. Please include “Case No. C 05-04663 WHA” in the caption.
- 9 2. Please write a simple statement why you believe a federal court has the power to
10 decide this particular case, *i.e.*, subject-matter jurisdiction.
- 11 3. Please write a simple statement explaining why you believe the Northern District
12 of California is the proper venue for this action.
- 13 4. Please explain what you believe the defendant did to you that was unlawful.
- 14 5. Please explain what laws you believe were violated by defendants’ conduct.

15 More information on what needs to be in a complaint can be found in the *Pro Se*
16 *Handbook*, which is available on the district court’s website, <http://www.cand.uscourts.gov>.
17 Plaintiff may also find form complaints for many areas of the law in nearly any law library.

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19 **IT IS SO ORDERED.**

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21 Dated: November 16, 2005

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23 _____
24 WILLIAM ALSUP
25 UNITED STATES DISTRICT JUDGE
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