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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LARRY D. PETTY,

No. C-06-3643 JCS

Plaintiff,

v.

**ORDER DENYING APPLICATION TO
PROCEED IN FORMA PAUPERIS AND
DISMISSING COMPLAINT WITH LEAVE TO
AMEND [Docket No. 3]**

U.S. GOVERNMENT,

Defendant.

Plaintiff Larry D. Petty has filed an application to proceed in forma pauperis (“the Application”). He has consented to the jurisdiction of a United States magistrate judge pursuant to 28 U.S.C. § 636(c). For the reasons stated below, the Application is DENIED.

Under 28 U.S.C. § 1915(e)(2), the Court is required to dismiss an in forma pauperis complaint which fails to state a claim. *Marks v. Solcum*, 98 F.3d 494, 495 (9th Cir. 1996). Plaintiff’s complaint is almost entirely illegible and the Court is unable to discern any legally cognizable claim in it. Therefore, the Court DENIES Plaintiff’s application to proceed in forma pauperis and DISMISSES plaintiff’s complaint with leave to amend. Plaintiff shall be given thirty (30) days from the date of this order in which to amend his complaint. In his amended complaint, Plaintiff shall identify each claim clearly and legibly and state the specific facts supporting each claim. If Plaintiff in his amended complaint states a claim upon which relief may be granted, the Court will reconsider its denial of Plaintiff’s application to proceed in forma pauperis.

United States District Court
For the Northern District of California

1 The Clerk is directed to close the file in this case if an amended complaint is not filed within
2 thirty days of the date of this order.

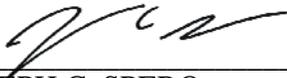
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4 IT IS SO ORDERED.

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6 DATED: June 21, 2006

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JOSEPH C. SPERO
United States Magistrate Judge

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