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

ROBERT L. JACKSON,
Plaintiff,

No. C 06-06154 CRB

ORDER

v.

TONY GEORGE,
Defendant.

Now before the Court is Plaintiff Robert L. Jackson's application to proceed *in forma pauperis* ("IFP"). A court may authorize a plaintiff to prosecute an action in federal court without prepayment of fees or security if the plaintiff submits an affidavit showing that he or she is unable to pay such fees or give security therefor. See 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 prosecute the action.


Viewing Plaintiff's application in isolation, it appears that he should be allowed to proceed IFP. This 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).

Plaintiff has filed a complaint and requested a restraining order against Tony George. He alleges that George has threatened him with a box cutter on account of a dispute over

1 allegedly unpaid sums of money. Plaintiff does not allege facts sufficient to establish that
2 this Court has power to hear his case. Therefore, his Complaint “fails to state a claim on
3 which relief may be granted” and must be dismissed. 28 U.S.C. § 1915(e)(2)(B)(ii). If
4 Plaintiff is to obtain relief on the facts he alleges, it must be from the state courts. For the
5 foregoing reasons, the Complaint is DISMISSED without leave to amend.

6 **IT IS SO ORDERED.**

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10 Dated: October 3, 2006



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

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United States District Court
For the Northern District of California