

United States District Court  
For the Northern District of California

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

ARLENE CAMPBELL and DAVID A. SAUNDERS,

No. C-07-0811 MMC

Plaintiffs

**ORDER DISMISSING ACTION WITH  
LEAVE TO AMEND**

v.

SAUSALITO POLICE DEPARTMENT, et al.,

Defendants

Currently before the Court is the complaint filed February 8, 2007 by plaintiffs Arlene Campbell and David A. Saunders. By separate order filed concurrently herewith, the Court has denied Saunders' motion to proceed in forma pauperis.

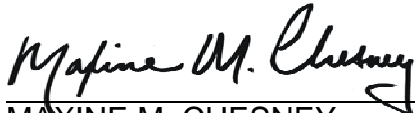
Pursuant to 28 U.S.C. § 1915(e)(2), the Court must dismiss any complaint filed by a person seeking to proceed in forma pauperis if the complaint fails to state a claim. Plaintiffs' complaint fails to state a claim because plaintiffs fail to allege any basis for federal jurisdiction over the instant action, fail to adequately set forth the factual and legal basis of their claims, and fail to set forth the type of relief they seek from the Court. See Fed. R. Civ. P. 8(a) (requiring that complaint set forth "a short and plain statement of the grounds upon which the court's jurisdiction depends," "a short and plain statement of the claim showing that the pleader is entitled to relief," and "a demand for judgment for the relief the pleader seeks"). Moreover, it appears that plaintiffs may be seeking this Court's

1 intervention in ongoing state court criminal proceedings. In Younger v. Harris, the Supreme  
2 Court held there is a “fundamental policy against federal interference with state criminal  
3 prosecutions.” Younger v. Harris, 401 U.S. 37, 46 (1971).

4 Accordingly, the complaint is hereby DISMISSED, with leave to file an amended  
5 complaint no later than March 13, 2007. If, by that date, plaintiffs fail to file an amended  
6 complaint, accompanied by the requisite filing fee, the above-titled action will be dismissed  
7 with prejudice.

8 **IT IS SO ORDERED.**

9 Dated: February 13, 2007

  
MAXINE M. CHESNEY  
United States District Judge

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