

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

STEPHEN CRUMP,	)	
	)	
Plaintiff(s),	)	No. C 08-3849 CRB (PR)
	)	
vs.	)	ORDER OF DISMISSAL
	)	
BARBARA WELLS, et al.,	)	(Doc # 2)
	)	
Defendant(s).	)	
_____	)	

Plaintiff, a state prisoner currently on parole, has filed a pro se civil rights complaint under 42 U.S.C. § 1983 alleging that his parole officer/social worker improperly required him to apply for social security benefits based on mental disability. Plaintiff claims he is not mentally ill because he was discharged from the state hospital. He seeks damages and leave to proceed in forma pauperis.

Based on plaintiff's affidavit of poverty, his motion for leave to proceed in forma pauperis (doc # 2) is GRANTED. But the complaint must be dismissed under the authority of 28 U.S.C. § 1915(e)(2) for failure to state a claim upon which relief may be granted. The attachments to the complaint make clear that plaintiff has filed a statement with the Social Security Administration (SSA) explaining that he does not believe he is mentally ill. SSA may or may not

1 believe him. But simply requiring him to apply for benefits based on an arguable  
2 disability does not amount to a violation of a right secured by the Constitution or  
3 laws of the United States. See West v. Atkins, 487 U.S. 42, 48 (1988).

4 The clerk shall enter judgment in accordance with this order, terminate all  
5 pending motions as moot, and close the file.

6 SO ORDERED.

7  
8 DATED: 09/23/08

9   
10 \_\_\_\_\_  
11 CHARLES R. BREYER  
12 United States District Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27