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

CLOTEAL SWOOPES,

Plaintiff,

No. 08-05482 JSW

v.

**ORDER OF DISMISSAL**

SOCIAL SECURITY ADMINISTRATION,  
and Does 1-40,

Defendants.

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On December 5, 2008, Plaintiff filed a Complaint against the Social Security Administration and filed an application to proceed *in forma pauperis*. Courts must deny *in forma pauperis* applications under certain circumstances, including when the underlying complaint sought to be filed is frivolous or when it fails to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2).

In contravention of Federal Rule of Civil Procedure 8(a), Plaintiff failed to file a pleading setting forth the grounds upon which this Court has jurisdiction, “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.” Plaintiff’s complaint was disjointed to the point of being incoherent and unintelligible. Although Plaintiff made reference to allegations that the Social Security Administration may have accused him of improperly cashing two benefit checks for the same month, it was impossible to discern from his complaint the legal theories under which he sought relief or what relief he was requesting.

1 Further, although Plaintiff alleged that Defendant violated 18 U.S.C. §§ 241 and 246,  
2 any claim premised upon violations of those statute must be dismissed because they do not  
3 provide for a private right of action. *See, e.g., Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9<sup>th</sup> Cir.  
4 1980); *Dugar v. Coughlin*, 613 F. Supp. 849, 852 n.1 (C.D.N.Y. 1985). Similarly, although  
5 Plaintiff referenced the Due Process clause to the Fourteenth Amendment in the Complaint, he  
6 did not allege a claim under 42 U.S.C. § 1983. Finally, to the extent Plaintiff intended to appeal  
7 from a denial of benefits, it was not clear that Plaintiff exhausted his administrative remedies.

8 Accordingly, on December 18, 2008, the Court issued an Order dismissing Plaintiff's  
9 complaint with leave to amend. Plaintiff was ordered to file an amended complaint by January  
10 7, 2009. Plaintiff was advised that failure to file a cognizable legal claim by this date shall  
11 result in dismissal of this action with prejudice. Plaintiff did not file an amended complaint by  
12 that date.

13 Accordingly, it is HEREBY ORDERED that this matter is dismissed with prejudice. A  
14 separate judgment shall issue, and the Clerk is directed to close the file.

15 **IT IS SO ORDERED.**

16 Dated: January 13, 2009

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

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1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 CLOTEAL SWOOPES,  
6 Plaintiff,

Case Number: CV08-05482 JSW

7 **CERTIFICATE OF SERVICE**

8 v.

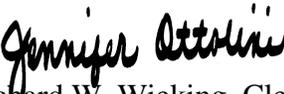
9 SOCIAL SECURITY  
ADMINISTRATION and Does 1- 40 et al,  
10 Defendant.  
11 \_\_\_\_\_/

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
District Court, Northern District of California.

13 That on January 13, 2009, I SERVED a true and correct copy(ies) of the attached, by  
14 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter  
15 listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an  
inter-office delivery receptacle located in the Clerk's office.

16  
17 Cloteal Swoopes  
18 P.O.Box 922  
Oakland, CA 94604

19 Dated: January 13, 2009

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk