

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

TYRONE HUNT,

Plaintiff,

No. C 09-03387 JSW

v.

COOPER,

Defendant.

**ORDER DISMISSING WITH  
LEAVE TO AMEND AND  
DENYING APPLICATION TO  
PROCEED *IN FORMA PAUPERIS***

The Court has received Plaintiff's complaint and application to proceed *in forma pauperis*, both filed in this Court on July 23, 2009. The Court also notes the Order dated July 28, 2009 in which the complaint was dismissed without prejudice and the file closed for failure to maintain an updated address for Plaintiff. Now, having received a letter from Plaintiff dated May 19, 2010, the matter has been reassigned to the undersigned. The original complaint was dismissed with leave to amend. Below, the undersigned explains the reasoning for the dismissal and sets a deadline for filing an amended complaint.


The Court may authorize a plaintiff to file 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. 28 U.S.C. § 1915(a). The *in forma pauperis* statute also provides that the Court shall dismiss the case if at any time the Court determines that the allegation of poverty is untrue, or that the action (1) is frivolous or malicious; (2) fails to state a claim on which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

1 It is impossible to discern from Plaintiff's original complaint filed on July 23, 2009  
2 many of the essential details of the events that triggered the lawsuit, the legal theories under  
3 which he seeks relief, or the causes of action against any particular named defendant. The  
4 handwriting is largely illegible and the attachments are not particularly elucidating. Plaintiff  
5 has failed to set forth "a short and plain statement of the claim showing that the pleader is  
6 entitled to relief" as required by Rule 8 of the Federal Rules of Civil Procedure.

7 Accordingly, the Court dismissed the Complaint with leave to amend and this Court  
8 now DENIES the application to proceed *in forma pauperis*. If Plaintiff wishes to pursue this  
9 action, he must file an amended complaint as well as an updated application to proceed *in forma*  
10 *pauperis* by no later than **June 18, 2010**. Failure to file a cognizable legal claim by this date  
11 shall result in dismissal of this action with prejudice. The Court advises Plaintiff that a  
12 Handbook for Pro Se Litigants, which contains helpful information about proceeding without an  
13 attorney, is available through the Court's website or in the Clerk's office. The Court also  
14 advises Plaintiff that additional assistance may be available by making an appointment with the  
15 Legal Help Center, which is located at 450 Golden Gate Avenue, 15th Floor, Room 2796, San  
16 Francisco, California, 94102.

17  
18 **IT IS SO ORDERED.**

19  
20 Dated: May 28, 2010

  
\_\_\_\_\_  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

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

5 TYRONE HUNT,  
6  
7 Plaintiff,

Case Number: CV09-03387 JSW

**CERTIFICATE OF SERVICE**

8 v.

9 COOPER et al,  
10 Defendant.

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

13 That on May 28, 2010, I SERVED a true and correct copy(ies) of the attached, by placing  
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office  
16 delivery receptacle located in the Clerk's office.

17 Tyrone Hunt  
18 801 Penn. Ave  
19 Washington, DC 20003

Dated: May 28, 2010



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