

FILED

2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

JUDITH C. MAY,
Plaintiff,

No. C 09-03461 CRB

ORDER DISMISSING CASE

v.

CITY OF RICHMOND, TWO POLICE
OFFICERS, RICHMOND SMALL CLAIMS
COURT JUDGE,
Defendant.

This action was brought by pro se plaintiff Judith May, who has requested leave to proceed in forma pauperis. Plaintiff has made the showing required by 28 U.S.C. § 1915, and so her request to proceed in forma pauperis is hereby GRANTED. However, pursuant to 28 U.S.C. § 1915, the court is directed to dismiss a case at any time if it determines that the allegation of poverty is untrue, or that the action or appeal is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

A complaint must contain: (1) a short and plain statement of the grounds for the court's jurisdiction; (2) a short and plain statement of the claim showing the pleader is entitled to relief; and (3) a demand for the relief sought, which may include relief in the alternative or different types of relief. Fed. R. Civ. P. 8(a). When a plaintiff is pro se, the complaint must be liberally construed. See Haines v. Kerner, 404 U.S. 519, 520 (1972).

1 Nonetheless, “[p]ro se litigants must follow the same rules of procedure that govern other
2 litigants.” King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987).

3 It is well established that a complaint must “give the defendant fair notice of what the
4 . . . claim is and the grounds upon which it rests.” Bell Atlantic v. Twombly, 550 U.S. 544,
5 555 (2007). “[T]he pleading must contain something more . . . than . . . a statement of facts
6 that merely creates a suspicion [of] a legally cognizable right of action.” Id., citing 5 C.
7 Wright & Miller, Federal Practice and Procedure 1216, pp. 235-236 (3d ed. 2004). A
8 complaint must also allege plausible claims. See Ashcroft v. Iqbal, — U.S. —, 129 S. Ct.
9 1937, 1949 (2009) (“A claim has facial plausibility when the plaintiff pleads factual content
10 that allows the court to draw the reasonable inference that the defendant is liable for the
11 misconduct alleged.”).

12 Plaintiff here has named as defendants the “City of Richmond,” “Two Police
13 Officers,” and “Richmond Small Claims Court Judge.” Complaint at 1. Plaintiff has
14 provided no additional information as to the identities of the Defendants.¹ The Complaint
15 also fails to state both the grounds for this Court’s jurisdiction and the legal causes of action
16 alleged against the Defendants. Instead, the Complaint consists of a single paragraph that
17 runs for two-and-a-half-pages, describing Plaintiff’s interactions with various City of
18 Richmond officials. Plaintiff’s Complaint alleges the following facts: two police officers
19 knocked on the door to the room Plaintiff was renting, served her with a restraining order,
20 and then evicted her; a judge examined the restraining order (which the judge “could tell”
21 was “invalid”); and Plaintiff “lost in court.” Id. at 1-2. Plaintiff asserts that it took her three
22 weeks to access the room from which she was evicted, and that “the entire ordeal was a
23 humiliating experience.” Id. at 2. Claiming “mental anguish, distress, loss of reputation, and
24

25
26 ¹Plaintiff attached to her Complaint a single copy of an audio cd that appears to be a recording
27 of a legal proceeding involving these same facts. The cd case has a “CCC Superior Court” label on it.
28 Plaintiff also attached to the Complaint a form labeled “Superior Court of California, County of Contra
Costa Electronic Recording Purchase Request,” which states under the heading of Case Information:
May v. City of Richmond, Small Claims case no. RSC03-0310. The date of the hearing identified on
the form is April 17, 2003. The Court has listened to Plaintiff’s cd and finds that it fails to fill in the
missing information in Plaintiff’s Complaint.

1 loss of employment," Plaintiff asks the Court to impeach the judge, fire the police officers,
2 and award her monetary relief. Id. at 2-3.

3 This is not sufficient under Rule 8(a) or the plausibility standard outlined in Iqbal.
4 Plaintiff's complaint is therefore DISMISSED with leave to amend within thirty (30) days.
5 In her amended complaint, Plaintiff must provide the grounds for this Court's jurisdiction,
6 identify whom she is suing and what claims she is bringing against each Defendant, and
7 provide the basis for these claims. Failure to comply with this Order will be deemed grounds
8 for dismissal with prejudice.

9 **IT IS SO ORDERED.**

10
11
12 Dated: **AUG 03 2009**, 2009



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE