

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re.
RICKARD ANDERSON,
Plaintiff.

No. C 11-5024 SI (pr)
No. C 11-5025 SI (pr)

**ORDER OF DISMISSAL WITH
LEAVE TO AMEND**

United States District Court
For the Northern District of California

Rickard Anderson, a resident at Crestwood Recovery & Rehab Center in Vallejo, filed these pro se civil rights actions under 42 U.S.C. § 1983. Although Anderson has been incarcerated in the past and has filed more than a hundred actions in this court, he apparently was not incarcerated at the time of filing of these two actions. These actions are not governed by 28 U.S.C. § 1915A, which applies only to actions filed by prisoners. However, in each action, he has applied to proceed *in forma pauperis* and therefore is subject to the non-prisoner provisions of 28 U.S.C. § 1915.

Under 28 U.S.C. § 1915(e), notwithstanding any filing fee or any portion thereof that may have been paid, "the court shall dismiss the case at any time if the court determines that . . . the action or appeal . . . is frivolous or malicious." 28 U.S.C. § 1915(e)(2)(B)(I). A claim that is incomprehensible may be dismissed as frivolous as it is without an arguable basis in law. See Jackson v. Arizona, 885 F.2d 639, 641 (9th Cir. 1989). Anderson's complaint in each action is incomprehensible and therefore is subject to dismissal under § 1915(e)(2)(B)(I). Before dismissing the actions, however, the court will give Anderson an opportunity to attempt to file a pleading in each action that states a claim.

1 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two elements: (1) that
2 a right secured by the Constitution or laws of the United States was violated, and (2) that the
3 violation was committed by a person acting under the color of state law. *See West v. Atkins*, 487
4 U.S. 42, 48 (1988). For each instance of a constitutional violation, Anderson should name each
5 person who violated his constitutional right(s), describe what each person did to violate his
6 right(s), state at which institution the violation occurred, and state when the violation occurred.

7 For the foregoing reasons, the complaint in each of the referenced actions is DISMISSED
8 with leave to amend. An amended complaint must be filed in each action no later than **April 13,**
9 **2012.** The amended complaint must include the caption and civil case number used in this Order
10 and the words AMENDED COMPLAINT on the first page. Failure to timely file the amended
11 complaints will result in the dismissal of any action in which an amended complaint has not been
12 filed.

13 IT IS SO ORDERED.

14 Dated: March 8, 2012



SUSAN ILLSTON
United States District Judge