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

9 SHANNON O. MURPHY, SR.,

10 Plaintiff,

No. C 11-06267 JSW

11 v.

12 DEPARTMENT OF VETERAN AFFAIRS,

13 Defendant.

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

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15  
16 The Court has received Plaintiff's complaint and application to proceed *in forma*  
17 *pauperis*, both filed in this Court on December 13, 2011. The Court may authorize a plaintiff  
18 to file an action in federal court without prepayment of fees or security if the plaintiff submits  
19 an affidavit showing that he or she is unable to pay such fees or give security therefor. 28  
20 U.S.C. § 1915(a). The *in forma pauperis* statute also provides that the Court shall dismiss the  
21 case if at any time the Court determines that the allegation of poverty is untrue, or that the  
22 action (1) is frivolous or malicious; (2) fails to state a claim on which relief may be granted; or  
23 (3) seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C.  
24 § 1915(e)(2).

25 It is impossible to discern from Plaintiff's complaint many of the essential details of the  
26 events giving rise to a claim. It is also impossible to discern whether Plaintiff has adequately  
27 exhausted his administrative remedies before the Veterans Affairs tribunal to receive benefits  
28 prior to seeking redress before this Court.

1 As such, Plaintiff has failed to set forth “a short and plain statement of the claim  
2 showing that the pleader is entitled to relief” as required by Rule 8 of the Federal Rules of Civil  
3 Procedure. However, the Court shall afford Plaintiff an opportunity to amend his complaint. If  
4 Plaintiff chooses to amend, the Court requests that he include information about the application  
5 for benefits, the denial, if any, and the Veterans Claims process he followed.

6 Plaintiff’s application to proceed *in forma pauperis* is denied without prejudice. If  
7 Plaintiff chooses to file an amended complaint, he must submit a renewed application to  
8 proceed *in forma pauperis*.

9 If Plaintiff wishes to pursue this action, he must file an amended complaint by **January**  
10 **6, 2012**. Failure to file a cognizable legal claim by this date shall result in dismissal of this  
11 action with prejudice. The Court advises Plaintiff that a Handbook for Pro Se Litigants, which  
12 contains helpful information about proceeding without an attorney, is available through the  
13 Court’s website or in the Clerk’s office. The Court also advises Plaintiff that additional  
14 assistance may be available by making an appointment with the Legal Help Center, which is  
15 located at 450 Golden Gate Avenue, 15th Floor, Room 2796, San Francisco, California, 94102.

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17 **IT IS SO ORDERED.**

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19 Dated: December 19, 2011

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22 JEFFREYS. WHITE  
23 UNITED STATES DISTRICT JUDGE  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

SHANNON O. MURPHY, SR,

Plaintiff,

v.

DEPARTMENT OF VETERAN AFFAIRS

et al,

Defendant.

Case Number: CV11-06267 JSW

**CERTIFICATE OF SERVICE**

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

That on December 19, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter 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.

Shannon O. Murphy  
General Delivery  
Richmond, CA 94801

Dated: December 19, 2011



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