

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 HURT,

No. C 12-02728 WHA

Plaintiff,

v.

**ORDER DENYING MOTION FOR
LEAVE TO FILE AMENDED
COMPLAINT; DENYING
REQUEST TO PROCEED IN
FORMA PAUPERIS**

50 States and the City of Washington,
All State Legislatures of the 50 States,
and U.S. Department of Justice,

Defendants.

Pro se plaintiff Tyrone Hurt’s hand-written complaint was dismissed in part because it was largely illegible. Plaintiff’s application to proceed in forma pauperis was thus denied, “without prejudice to refile once plaintiff has submitted a complaint that is legible” (Dkt. No. 11). Rather than file a legible complaint, however, plaintiff appealed the order denying him leave to proceed in forma pauperis. The appeal was dismissed as untimely. Plaintiff then filed a letter, addressed to the Clerk, requesting that the complaint be forwarded back to him “to be made legible.” By order dated December 10, plaintiff was warned that such communications to the Court were improper. The letter was construed as a request to file an amended complaint. Plaintiff was warned that failure to file a cognizable legal claim by January 2, 2013, would result in dismissal of this action with prejudice.

Plaintiff has filed a hand-written motion entitled “amendment to the complaint.” The document states that plaintiff seeks leave to amend his complaint but does not state a single claim for relief. Nor are there any relevant facts alleged under the section heading “statement of the facts of the case.” Plaintiff’s motion is essentially limited to a statement that plaintiff moves to amend the complaint and an “affidavit of poverty” to proceed in forma pauperis. Plaintiff’s

1 motion for leave to amend the complaint is denied, as plaintiff has not stated a single claim for
2 relief. Plaintiff was clearly warned that any proposed amendment must state a cognizable claim
3 for relief. He has failed to do so. Plaintiff's frivolous motion to file an amended complaint is
4 **DENIED WITHOUT LEAVE TO AMEND.**

5 Plaintiff's motion to proceed in forma pauperis is **DENIED**. Plaintiff's "affidavit" does not
6 include sufficient detail regarding plaintiff's ability to pay. Plaintiff's conclusory statement that
7 "because of [his] poverty," he cannot pay the filing fee and that he believes he is entitled to the
8 relief he seeks is insufficient.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

Dated: January 3, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE