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

DAVID D. ABDUL-HAQQ, II,	)	No. C 13-0866 JSW (PR)
Plaintiff,	)	<b>ORDER OF DISMISSAL</b>
v.	)	
GREGORY J. AHERN, et al.,	)	
Defendants.	)	

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**INTRODUCTION**

Plaintiff, an inmate at the Alameda County Jail, filed this pro se civil rights complaint under 42 U.S.C. § 1983. His application to proceed *in forma pauperis* is granted in a separate order. For the reasons discussed below, the case is dismissed for failing to state a cognizable claim for relief.

**STANDARD OF REVIEW**

Federal Rule of Civil Procedure 8(a)(2) requires only "a short and plain statement of the claim showing that the pleader is entitled to relief." "Specific facts are not necessary; the statement need only "give the defendant fair notice of what the . . . claim is and the grounds upon which it rests."" *Erickson v. Pardus*, 127 S. Ct. 2197, 2200 (2007) (citations omitted). Although in order to state a claim a complaint "does not need detailed factual allegations, . . . a plaintiff's obligation to provide the 'grounds of his 'entitle[ment] to relief' requires more than labels and conclusions, and a formulaic

1 recitation of the elements of a cause of action will not do. . . . Factual allegations must  
2 be enough to raise a right to relief above the speculative level." *Bell Atlantic Corp. v.*  
3 *Twombly*, 127 S. Ct. 1955, 1964-65 (2007) (citations omitted). A complaint must proffer  
4 "enough facts to state a claim for relief that is plausible on its face." *Id.* at 1974. Pro se  
5 pleadings must be liberally construed. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696,  
6 699 (9th Cir. 1990).

7 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two elements:

8 (1) that a right secured by the Constitution or laws of the United States was violated, and  
9 (2) that the alleged violation was committed by a person acting under the color of state  
10 law. *West v. Atkins*, 487 U.S. 42, 48 (1988).

### 11 LEGAL CLAIMS

12 Plaintiff alleges that jail officials by items for sale at the canteen by the bulk and  
13 then sell the items individually despite the fact that, in some instances, they are marked  
14 "not for individual sale." He wants to buy these items in bulk but jail officials will not  
15 allow him to do so. The actions of jail officials, as described by Plaintiff, do not violate  
16 any constitutional right or other federal law. Consequently, the complaint does not state  
17 any cognizable claim for relief under Section 1983.


### 18 CONCLUSION

19 For the reasons set out above, this action is DISMISSED.

20 The Clerk shall enter judgment and close the file.

21 IT IS SO ORDERED.

22 DATED: May 1, 2013

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25 \_\_\_\_\_  
26 JEFFREY S. WHITE  
27 United States District Judge  
28

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

5 DAVID D ABDUL-HAQQ II,  
6 Plaintiff,

Case Number: CV13-00866 JSW

7 **CERTIFICATE OF SERVICE**

8 v.

9 GREGORY J AHERN et al,  
10 Defendant.

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

13 That on May 1, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said  
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
15 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
16 receptacle located in the Clerk's office.

17 David D. Abdul-Haqq  
18 BAL065  
19 Santa Rita Jail  
5325 Broder Blvd.  
Dublin, CA 94568

20 Dated: May 1, 2013

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