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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GRANT LESLIE WASHAM,

Plaintiff,

v.

T. HENDERSON, et. al.,

Defendant.

No. C 13-4957 EDL (PR)

**ORDER DISMISSING WITH  
LEAVE TO AMEND**

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Plaintiff, a detainee at Lake County Jail, has filed a pro se civil rights complaint under 42 U.S.C. § 1983. He has been granted leave to proceed in forma pauperis.

**DISCUSSION**

**A. Standard of Review**

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). In its review the court must identify any cognizable claims, and dismiss any claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. *Id.* 1915A(b)(1),(2). Pro se pleadings must be liberally construed. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990).

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*, 551 U.S. 89, 93 (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'

1 requires more than labels and conclusions, and a formulaic recitation of the elements of a  
2 cause of action will not do. . . . Factual allegations must be enough to raise a right to relief  
3 above the speculative level." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)  
4 (citations omitted). A complaint must proffer "enough facts to state a claim to relief that is  
5 plausible on its face." *Id.* at 570. The United States Supreme Court has recently explained  
6 the "plausible on its face" standard of *Twombly*: "While legal conclusions can provide the  
7 framework of a complaint, they must be supported by factual allegations. When there are  
8 well-pleaded factual allegations, a court should assume their veracity and then determine  
9 whether they plausibly give rise to an entitlement to relief." *Ashcroft v. Iqbal*, 556 U.S. 662,  
10 679 (2009).

11 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential  
12 elements: (1) that a right secured by the Constitution or laws of the United States was  
13 violated, and (2) that the alleged deprivation was committed by a person acting under the  
14 color of state law. *West v. Atkins*, 487 U.S. 42, 48 (1988).

15 **B. Legal Claims**

16 Plaintiff states that jail officials have obstructed his efforts to pursue legal actions.

17 Prisoners have a constitutional right of access to the courts. *See Lewis v. Casey*,  
18 518 U.S. 343, 350 (1996); *Bounds v. Smith*, 430 U.S. 817, 821 (1977). To establish a  
19 claim for any violation of the right of access to the courts, the prisoner must prove that there  
20 was an inadequacy in the prison's legal access program that caused him an actual injury.  
21 *See Lewis*, 518 U.S. at 350-55. To prove an actual injury, the prisoner must show that the  
22 inadequacy in the prison's program hindered his efforts to pursue a non-frivolous claim  
23 concerning his conviction or conditions of confinement. *See id.* at 354-55.

24 It is difficult to discern the exact nature of plaintiff's allegations. He requested  
25 photocopies of paperwork including witness statements and bank account information that  
26 were related to various cases including police brutality and a case against jail guards.  
27 Though, plaintiff provides no information regarding that case against jail guards. Plaintiff  
28

1 states that jail personnel discarded the paperwork. Plaintiff's allegations fail to state a  
2 claim. He must describe the cases that he was pursuing and an actual injury that he  
3 suffered. The cases must concern his conviction or conditions of confinement.<sup>1</sup>

4 **CONCLUSION**

5 1. The complaint is **DISMISSED** with leave to amend in accordance with the  
6 standards set forth above. The amended complaint must be filed within **twenty-eight (28)**  
7 **days** of the date this order is filed and must include the caption and civil case number used  
8 in this order and the words AMENDED COMPLAINT on the first page. Because an  
9 amended complaint completely replaces the original complaint, plaintiff must include in it all  
10 the claims he wishes to present. See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir.  
11 1992). He may not incorporate material from the original complaint by reference. Failure to  
12 amend within the designated time will result in the dismissal of this action.

13 2. It is the plaintiff's responsibility to prosecute this case. Plaintiff must keep the  
14 court informed of any change of address by filing a separate paper with the clerk headed  
15 "Notice of Change of Address," and must comply with the court's orders in a timely fashion.  
16 Failure to do so may result in the dismissal of this action for failure to prosecute pursuant to  
17 Federal Rule of Civil Procedure 41(b).

18 **IT IS SO ORDERED.**

19 Dated: November 14, 2013.

  
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ELIZABETH D. LAPORTE  
United States Chief Magistrate Judge

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27 <sup>1</sup> Based on a letter plaintiff submitted to the court it appears the case involves his  
28 mother and elder abuse and identity theft that resulted in a large financial loss. Docket No. 1  
at 4.

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

4 GRANT WASHAM,

5 Plaintiff,

6 v.

7 LAKE COUNTY SHERIFFS JAIL et al,

8 Defendant.

Case Number: CV13-04957 EDL

**CERTIFICATE OF SERVICE**

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

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

15 Grant Leslie Washam #37933  
16 L.C.S.O. Sheriff's Jail  
17 4913 Helbush Dr.  
18 Lakeport, CA 95453

19 Dated: November 15, 2013

20 Richard W. Wieking, Clerk  
21 By: Lisa R Clark, Deputy Clerk  
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