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UNITED STATES DISTRICT COURT
For the Northern District of California

UNITED STATES DISTRICT COURT
Northern District of California
San Francisco Division

TADEUSZ WYRZYKOWSKI,
Plaintiff,
v.
COUNTY OF MARIN, et al.,
Defendants.

No. C 14-03825 LB

**ORDER (1) DENYING AS MOOT
PLAINTIFF’S MOTION TO EXTEND
TIME, (2) DENYING PLAINTIFF’S
MOTION TO FILE A SECOND
AMENDED COMPLAINT, AND (3)
DIRECTING PLAINTIFF TO
PROVIDE ADDRESSES FOR
DEFENDANTS**

On August 22, 2014, Plaintiff Tadeusz Wyrzykowski, who is proceeding pro se, filed a complaint and an application to proceed in forma pauperis. Complaint, ECF No. 1; IFP Application, ECF No. 3.¹ After conducting its review of his complaint under 28 U.S.C. § 1915(e)(2), the court determined that it failed to state a claim. The court was unable to discern any legally cognizable claim in Plaintiff’s complaint. The court noted that Plaintiff listed several laws and legal doctrines in the caption of the complaint (e.g., violation of his Fourteenth Amendment right to equal protection under the law; fraud; intentional infliction of emotional distress; etc.) and alleged that county supervisors, agents, and employees caused her damage generally, but Plaintiff did not say

¹ Citations are to the Electronic Case File (“ECF”) with pin cites to the ECF-generated page numbers at the top of the document.

1 how Defendants violated any of the laws or doctrines mentioned. Therefore, on September 18,
2 2014, the court granted Plaintiff's IFP Application, dismissed the complaint without prejudice, *see*
3 28 U.S.C. § 1915(e)(2); *Marks v. Solcum*, 98 F.3d 494, 495 (9th Cir. 1996), and gave Plaintiff thirty
4 days from the date of that order in which to file an amended complaint. 9/18/2014 Order, ECF No.
5 6.

6 On October 6, 2014—within the thirty-day deadline—Plaintiff filed a motion to extend the time
7 for filing an amended complaint. Motion to Extend Time, ECF No. 7. Plaintiff said that he
8 experienced a medical emergency that will prevent him from filing an amended complaint for at six
9 more months. Plaintiff thus asked the court to allow him at least six more months to do so,
10 essentially staying the case for at least that period of time.

11 While the court was reviewing Plaintiff's motion, Plaintiff filed a First Amended Complaint.
12 FAC, ECF No. 8. It provides additional allegation against Defendants, the gist of which are that
13 Defendants failed to apply his tax payments to property that he owns, forced him to pay taxes twice,
14 fraudulently labeled his property as having delinquent taxes, and ignored or wrongfully denied his
15 attempts to dispute the charges. A few days later, Plaintiff filed a motion for leave to file a Second
16 Amended Complaint. Motion for Leave to Amend, ECF No. 9.

17 Without expressing any opinion about the merit of his claims, the court finds that his First
18 Amended Complaint is sufficiently clear to pass the § 1915(e)(2) review. The court also finds good
19 cause to excuse Plaintiff's delay in filing it. To enable the U.S. Marshal to serve Defendants,
20 however, Plaintiff must provide the Clerk of the Court with addresses at which Defendants may be
21 served. Plaintiff is directed to provide these addresses by November 18, 2014. Upon receipt of
22 these addresses, the court will direct the U.S. Marshal to served Defendants with the First Amended
23 Complaint and summons.

24 Because the court has determined that Plaintiff's First Amended Complaint passes the §
25 1915(e)(2) review, the court does not believe that a Second Amended Complaint is warranted at this
26 time. Once Defendants are served with the First Amended Complaint and appear in the action,
27 Plaintiff may make this request again. Accordingly, Plaintiff's motion for leave to file a Second
28 Amended Complaint is denied, and Plaintiff's motion to extend the time for filing an amended

1 complaint is denied as moot.

2 **IT IS SO ORDERED.**

3 Dated: November 6, 2014



4 LAUREL BEELER
United States Magistrate Judge

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