

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TAHEE RASHEED,
Plaintiff,
v.
I.R.S. REPRESENTATIVE, et al.,
Defendants.

Case No. [14-cv-05357-VC](#)

**ORDER DISMISSING COMPLAINT
WITH LEAVE TO AMEND**

Re: Dkt. No. 11

On December 5, 2014, the plaintiff filed his initial complaint. On December 9, 2014, the Court granted the plaintiff's application to proceed *in forma pauperis*. On February 20, 2015, the plaintiff filed an amended complaint.

Under 28 U.S.C. § 1915, the Court has a continuing duty to dismiss any case in which a party seeks leave to proceed *in forma pauperis* if the Court determines that the action (1) is frivolous or malicious; (2) fails to state a claim on which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). As presently drafted, the complaint fails to state a cognizable claim. Rule 8 of the Federal Rules of Civil Procedure provides that to state a claim, a pleading must contain, among other things, "a short and plain statement of the claim showing that the pleader is entitled to relief." The Supreme Court has made clear that while "showing" an entitlement to relief does not require "detailed factual allegations," it does "demand[] more than an unadorned, the-defendant-unlawfully-harmed-me accusation." *Ashcroft v. Iqbal*, 556 U.S. 662, 678, (2009) (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)).

The plaintiff's amended complaint states that the plaintiff granted an unnamed agent of the Internal Revenue Service a "power of attorney to manage his Home Property." The complaint appears to allege that the agent has used this power of attorney to take the plaintiff's money and

1 other property without the plaintiff's consent. The plaintiff further alleges that the agent is
2 "claiming partnership in [the plaintiff's] company without notification to [the plaintiff]." The
3 complaint does not explain the circumstances behind the plaintiff's granting the agent a power of
4 attorney. Nor does it identify what "other property" was taken, or explain when or how the agent
5 took the plaintiff's money and property. And the complaint does not provide any details about the
6 plaintiff's company, or explain how the agent is claiming a partnership interest in it.

7 The complaint also names as defendants "Warden Grounds" and the "Supervisor of Trust,"
8 and alleges that these defendants somehow acted in concert to discriminate against the plaintiff
9 and "deprive him of all of his money." But the complaint does not offer any facts about how these
10 defendants discriminated against the plaintiff, or what actions they took to deprive him of his
11 money.

12 Without these facts, the complaint "do[es] not permit the court to infer more than the mere
13 possibility of misconduct," and so fails to state a claim showing that the plaintiff is entitled to
14 relief. *Iqbal*, 558 U.S. at 669. Accordingly, the complaint is dismissed. In light of his *pro se*
15 status, the plaintiff will be given leave to amend. If the plaintiff elects to amend, he must do so no
16 later than May 8, 2015.

17 The Court directs the plaintiff's attention to the Handbook for Pro Se Litigants, which is
18 available, along with further information, on the Court's website located at
19 <http://cand.uscourts.gov/proselitigants>. The plaintiff may also wish to seek free limited legal
20 assistance from the Federal Pro Bono Project by calling the appointment line at (415) 782-8982 or
21 by signing up in the appointment book located outside the door of the Project on the 15th floor of
22 the Courthouse building. Through the Project, the plaintiff can speak with an attorney who will
23 provide basic guidance (although not legal representation).

24 The case management conference scheduled for Tuesday, April 14, 2015, is vacated.

25 **IT IS SO ORDERED.**

26 Dated: April 8, 2015



27 VINCE CHHABRIA
28 United States District Judge

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TAHEE RASHEED,
Plaintiff,
v.
I.R.S. REPRESENTATIVE, et al.,
Defendants.

Case No. [14-cv-05357-VC](#)

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 4/8/2015, 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.

Tahee Rasheed
3554 17th Street #2
San Francisco, CA 94110

Dated: 4/8/2015

Richard W. Wieking
Clerk, United States District Court

By: 
Kristen Melen, Deputy Clerk to the
Honorable VINCE CHHABRIA