

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 CYNTHIA D. DAVIS-KNOTTS,  
4 Plaintiff,  
5 v.  
6 STATE OF CALIFORNIA,  
7 Defendant.

Case No. [15-cv-01518-VC](#)

**ORDER GRANTING APPLICATION  
TO PROCEED IN FORMA PAUPERIS;  
DENYING MOTION FOR  
APPOINTMENT OF COUNSEL; AND  
DISMISSING COMPLAINT WITH  
LEAVE TO AMEND**

Re: Dkt. Nos. 1, 3, 4

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10 The plaintiff seeks leave to proceed *in forma pauperis*. Because the plaintiff has made an  
11 adequate showing of indigence, the application is granted.

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

23 The plaintiff's complaint appears to allege that she suffered a work-related injury while  
24 working as a "Key Data Operator" for the State Compensation Insurance Fund ("SCIF"), and that  
25 the SCIF paid for the plaintiff to retrain as a Program Technician, but that she was "never re-hired  
26 back with the State of California as a state worker." The complaint does not provide any details  
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about SCIF's alleged obligation to rehire the plaintiff, or any explanation about the plaintiff's efforts to seek a new position as a state worker.

The plaintiff also requests that a case pending before the California Department of Fair Employment and Housing be transferred to this Court "for hearing and review." But the plaintiff provides no information about the current status of that case. Nor does the plaintiff provide any basis for the Court to assume jurisdiction over it.

Finally, the plaintiff requests that the Court "review the case/inheritance never given to [the plaintiff] under the Freedom Act." The complaint alleges that the plaintiff's father "was injured and never paid yet died." To the extent that the plaintiff alleges somebody acted illegally towards her, her complaint does not clearly identify the wrongdoers, does not explain what they did, and does not explain why their conduct was unlawful.

Without these additional facts, the complaint fails to state a claim showing that the plaintiff is entitled to relief. Accordingly, the complaint is dismissed. In light of her *pro se* status, the plaintiff will be given leave to amend. If the plaintiff elects to amend, she must do so no later than May 8, 2015.

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

**IT IS SO ORDERED.**

Dated: April 8, 2015



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VINCE CHHABRIA  
United States District Judge

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**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.

Cynthia D. Davis-Knotts  
7501 S. El Dorado Street  
#7  
French Camp, CA 95231

Dated: 4/8/2015

Richard W. Wieking  
Clerk, United States District Court

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