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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TYRONE MCGEE,
Plaintiff,

v.

ROBERT A. MCDONALD,
Defendant.

Case No. [16-cv-03843-JD](#)

**ORDER DISMISSING COMPLAINT
WITH LEAVE TO AMEND**

Re: Dkt. No. 1

Pro se plaintiff Robert McDonald filed a form complaint in this matter on July 8, 2016, along with an application to proceed in forma pauperis. Dkt. Nos. 1, 3. The Court sua sponte dismisses the complaint with leave to amend.

In reviewing an application to proceed in forma pauperis, courts may dismiss a case sua sponte if the party applying for in forma pauperis status files a frivolous action, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B). To make the determination under 28 U.S.C. § 1915(e)(2)(B), courts assess whether there is an arguable factual and legal basis for the asserted wrong, “however inartfully pleaded.” *Franklin v. Murphy*, 745 F.2d 1221, 1227–28 (9th Cir. 1984) (internal quote omitted); *see also Williams v. Madrid*, 609 F. App’x 421 (9th Cir. 2015).

The complaint is dismissed because McGee has filed a blank form complaint with portions of an administrative record attached. It states no claims at all and gives the Court no information about the legal or factual basis for the case.

McGee has until September 16, 2016 to file an amended complaint that complies with the Federal Rules of Civil Procedure. McGee may wish to consult a manual the court has adopted to assist pro se litigants in presenting their case. This manual, and other free information, is available online at: <http://cand.uscourts.gov/proselitigants>. If McGee fails to file a complaint pursuant to

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Rule 8 by the deadline, the Court will dismiss this action for failure to prosecute. *See* Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”)

IT IS SO ORDERED.

Dated: August 12, 2016



JAMES DONATO
United States District Judge