

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
OAKLAND DIVISION**

ASSOCIATION of COMMITTEE to
ELECT REV DR KAMAL ROY as US
PRESIDENT,

Plaintiff,

v.

UNITED STATES GOVERNMENT,

Defendant.

No. C 08-02291 SBA

ORDER

[Docket No. 7]

This matter comes before the Court on Defendant United States' ("Defendant") Motion for a More Definite Statement pursuant to Fed. R. Civ. P. 12(e). [Docket No. 7]. Said Motion was unopposed by Plaintiff *pro se*, the Rev. Dr. Kamal R.K. Roy. Having read and considered the argument presented by Defendant in the papers submitted to the Court, IT IS HEREBY ORDERED that the motion is GRANTED.

Rule 12(e) of the Federal Rules of Civil Procedure provides, in pertinent part, that "[i]f a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, the party may move for a more definite statement before interposing a responsive pleading." A motion for a more definite statement attacks unintelligibility in a pleading and is proper where the complaint is so indefinite that a defendant cannot ascertain the nature of the claim being asserted. In such cases, defendant cannot reasonably be expected to frame a response. *See Hubbs v. County of San Bernardino, CA* 538 F.Supp.2d 1254, 1262 (C.D. Cal. 2008). A motion for more definite statement should be granted where the complaint fails to provide a "short and plain statement" of the claim showing that the plaintiff is entitled to relief. Fed. R. Civ. P. 8(a)(2). The Court has wide discretion to direct a plaintiff to provide, "by amendment to the complaint or by affidavits, further particularized allegations of fact." *Warth v. Seldin*, 422 U.S. 490, 501-2 (1975).

1 The pleadings of a *pro se* litigant are to be construed liberally and “are held to less
2 stringent standards than formal pleadings drafted by lawyers.” *Hughes v. Rowe*, 449 U.S. 5, 10
3 (1980). However, a *pro se* plaintiff “must allege with at least some degree of particularity overt
4 acts which defendant[] engaged in that support the plaintiff’s claim.” *Jones v. Community*
5 *Redevelopment Agency*, 733 F.2d 646, 649 (9th Cir. 1984).

6 The Complaint filed by the plaintiff is a 34-page handwritten document which includes
7 photocopies of pages from websites and blogs. The handwriting is difficult to decipher and spreads
8 across the pages in a random fashion. The Complaint does not contain any readily ascertainable
9 claim for relief, although it appears to relate to the 2008 Presidential elections scheduled for
10 November 4, 2008. It is also unclear exactly who the named defendants. There is no short and plain
11 statement of Plaintiff’s legal claims showing that he is entitled to relief. The Defendant cannot
12 reasonably be expected to frame a response to the Complaint without some amendment by Plaintiff.

13 The Court ORDERS Plaintiff to serve an amended complaint containing a short and plain
14 statement of his claims and the relief he is seeking, pursuant to Fed. R. Civ. P. 8(a), within 20 days
15 of receipt of this order. It is ORDERED that the hearing on the motion and the Case Management
16 Conference, set for September 30, 2008, at 1:00 p.m., are VACATED.

17 It is FURTHER ORDERED that the Case Management Conference is CONTINUED to
18 November 5, 2008, at 3:45 p.m. The parties shall **meet and confer** prior to the conference and shall
19 prepare a joint Case Management Conference Statement which shall be filed no later than ten (10)
20 days prior to the Case Management Conference that complies with the Standing Order for all Judges
21 of The Northern District of California and the Standing Order of this Court. Plaintiff(s) shall be
22 responsible for filing the statement as well as for arranging the conference call. All parties shall be
23 on the line and shall call (510) 637-3559 at the above indicated date and time.

24 IT IS SO ORDERED.

25
26 September 23, 2008

27 
28 Sandra Brown Armstrong
United States District Judge

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

4 ASSOCIATION OF COMMITTEE TO ELECT
5 REV DR KAMAL RO et al,

Case Number: CV08-02291 SBA

6 Plaintiff,

CERTIFICATE OF SERVICE

7 v.

8 USA et al,

9 Defendant.

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

12 That on September 24, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
15 in the Clerk's office.

16 Association of Committee to Elect Rev Dr Kamal Roy as US President
17 Rev Dr Kamal RK Roy
18 P.O. Box 1173
19 Saranac Lake, NY 12983

20 Dated: September 24, 2008

21 Richard W. Wieking, Clerk
22 By: LISA R CLARK, Deputy Clerk
23
24
25
26
27
28