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8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA

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11   ARLENE CAMPBELL,   )
)
12   Plaintiff(s),   )   No. C09-2390 BZ
)
13   v.   )   **ORDER DISMISSING COMPLAINT**
)   **WITH LEAVE TO AMEND AND**
14   THE CITY & COUNTY   )   **GRANTING APPLICATION TO**
     SUPERVISORS, et al.,   )   **PROCEED** *IN FORMA PAUPERIS*
15   )
              Defendant(s).   )
16   _____)

17   On May 29, 2009, *pro se* plaintiff, Arlene Campbell, filed

18   a complaint against defendants, the Mayor and Supervisors of

19   San Francisco, and applied to proceed *in forma pauperis*,

20   pursuant to 28 U.S.C. § 1915(a). Having reviewed the

21   complaint and application, I find that plaintiff has failed to

22   state a claim for which relief may be granted, and I therefore

23   **DISMISS** her complaint with leave to amend. However, because

24   plaintiff has shown her financial need, I **GRANT** her *in forma*

25   *pauperis* application.

26   Pursuant to 28 U.S.C. § 1915, the Court may dismiss a

27   complaint if it is frivolous or if it fails to state a claim

28   on which relief may be granted. 28 U.S.C. § 1915 (e)(2)(B).

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Construed liberally in her favor, plaintiff's complaint fails to allege facts sufficient to state a claim.[1] Plaintiff appears to allege that defendants blocked her access to some TV channels. From the few details she offers in her complaint, however, I cannot be sure of the nature of her claim. Plaintiff must give defendants fair notice of the grounds on which the complaint is based. *See* <u>McKeever v. Block</u>, 932 F.2d 795, 798 (9th Cir. 1991). In her complaint, plaintiff does not provide facts sufficient to inform defendants of the grounds of her complaint. Plaintiff's complaint therefore fails to meet the basic requirement that it state a claim for which relief can be granted.

On her cover sheet, plaintiff checked the Freedom of Information Act box. However, the Freedom of Information Act is a federal act and does not apply to state or local governments.

Because I find that plaintiff's complaint fails to state a claim upon which relief may be granted, **IT IS HEREBY ORDERED** as follows:

1. Plaintiff' complaint is **DISMISSED** with leave to amend. If plaintiff desires to proceed with this, she must file an amended complaint by **July 31, 2009** that demonstrates that she is legally entitled to relief in federal court. The amended complaint should be a short, legible statement in

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[1]   The Court must liberally construe a *pro se* complaint, giving the plaintiff the benefit of any doubt. *See* <u>Balistreri v. Pacifica Police Dep't</u>, 901 F.2d 696, 699 (9th Cir. 1990); <u>Karim-Panahi v. Los Angeles Police Dep't</u>, 839 F.2d 621, 623 (9th Cir. 1988).

1   plain English that explains which of her civil rights she

2   thinks were violated and what she thinks Mayor Newsom or any

3   of the San Francisco supervisors have done that caused her

4   harm. Plaintiff should also specify how she has been harmed.

5   In amending her complaint, plaintiff may wish to consult a

6   manual the Court has adopted to assist *pro se* litigants in

7   presenting their case. This manual is available in the

8   Clerk's Office and online at www.cand.uscourts.gov. If

9   plaintiff does not amend or otherwise comply with this Order

10 by **July 31, 2009**, this case may be dismissed.

11   2. By no later than **July 31, 2009**, plaintiff shall

12 consent to or decline to magistrate judge jurisdiction

13 available online at: www.cand.uscourts.gov

14   3. Plaintiff's application to proceed *in forma pauperis*

15 is **GRANTED**. The marshal shall not serve the complaint pending

16 further order of the Court.

17 Dated: June 30, 2009

18   Bernard Zimmerman
                            United States Magistrate Judge

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20 G:\BZALL\-BZCASES\CAMPBELL v. NEWSOM\ORDER DENYING IFP AND DISMISSING.wpd

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