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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CATHY ENWERE,

Plaintiff(s),

No. C 11-0716 PJH

v.

**ORDER DISMISSING COMPLAINT
AND DENYING REQUEST TO
PROCEED IN FORMA PAUPERIS**

HUD FAIR HOUSING,

Defendant.

The court has received plaintiff's complaint and application to proceed in forma pauperis, both filed in this court on February 16, 2011. Because there is no legal basis for plaintiff's complaint, the court denies plaintiff's application and dismisses the complaint sua sponte.

Under 28 U.S.C. § 1915(a), "[a]ny court of the United States may authorize the commencement . . . of any suit . . . without prepayment of fees and costs or security therefor, by a person who makes affidavit that he is unable to pay such costs or give security therefor." In reviewing an application to proceed in forma pauperis, the court may dismiss a case sua sponte if the court determines that the party applying for in forma pauperis status has filed a frivolous action. 28 U.S.C. § 1915(e)(2); Jackson v. Arizona, 885 F.2d 639, 640 (9th Cir. 1989). For purposes of 28 U.S.C. § 1915, a frivolous claim is one that lacks an arguable basis in either law or fact. Neitzke v. Williams, 490 U.S. 319, 325, 109 S. Ct. 1827, 1831-32 (1989). Dismissal on these grounds are often made sua sponte prior to the issuance of process, so as to spare prospective defendants the inconvenience and expense of answering such complaints. Id., 490 U.S. at 324, 109 S. Ct. at 1831. Where a litigant is acting pro se and the court finds the litigant's complaint

1 frivolous within the meaning of 28 U.S.C. § 1915(e)(2), the court must give the litigant
2 notice of the deficiencies of the complaint and an opportunity to amend before final
3 dismissal, unless it is absolutely clear that the deficiencies of the complaint could not be
4 cured by amendment. Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987); Eldridge v.
5 Block, 832 F.2d 1132, 1135-37 (9th Cir. 1987).

6 Plaintiff's complaint consists of two handwritten pages that are largely illegible and
7 generally incomprehensible where legible. See generally IFP Complaint. Although plaintiff
8 makes vague allegations regarding an investigation "for racial housing discrimination," a
9 "cover up," plaintiff's presence in "the federal courts," and actions by the state "fair housing"
10 agency as well as an unidentified "lawyer," plaintiff alleges no clear facts in support of her
11 complaint, states no basis for the court's subject matter jurisdiction, and does not identify
12 any recognizable causes of action. As such, it is impossible to discern from plaintiff's
13 complaint the legal theories under which plaintiff seeks relief. Accordingly, the court finds
14 plaintiff's complaint frivolous within the meaning of 28 U.S.C. § 1915(e), and plaintiff's
15 complaint is DISMISSED.

16 Although the court is of the opinion that re-pleading will not resolve the deficiencies
17 in the complaint, the court will nonetheless allow plaintiff an opportunity to file an amended
18 complaint. For that amended complaint to be successful, plaintiff must specify the number
19 of defendants being sued and identify each defendant by official name; must allege
20 separate causes of action; must state a constitutional or statutory basis for each cause of
21 action; and must allege facts showing each defendant's personal involvement in the
22 wrongful act alleged in each cause of action. In addition, plaintiff's amended complaint
23 must allege what the nature of any past related lawsuit was, and whether that lawsuit was
24 filed and heard in state or federal court. Any amended complaint must be filed no later
25 than **May 9, 2011**.

26 If plaintiff fails to file the amended complaint by May 9, 2011, or if she files an
27 amended complaint not in accordance with the above instructions, the case will be
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1 dismissed with prejudice.

2 Because the court orders dismissal pursuant to 28 U.S.C. § 1915, plaintiff's request
3 to proceed in forma pauperis is DENIED without prejudice. Should the amended complaint
4 survive § 1915 review, plaintiff may renew her request.

5 **IT IS SO ORDERED.**

6 Dated: April 8, 2011



PHYLLIS J. HAMILTON
United States District Judge

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