

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

MARC OLIN LEVY,

No. C-11-06615 (DMR)

Plaintiff(s),

**ORDER GRANTING PLAINTIFF’S IFP
APPLICATION AND DISMISSING
CASE FOR FAILURE TO STATE A
CLAIM**

v.

AT&T,

Defendant(s).

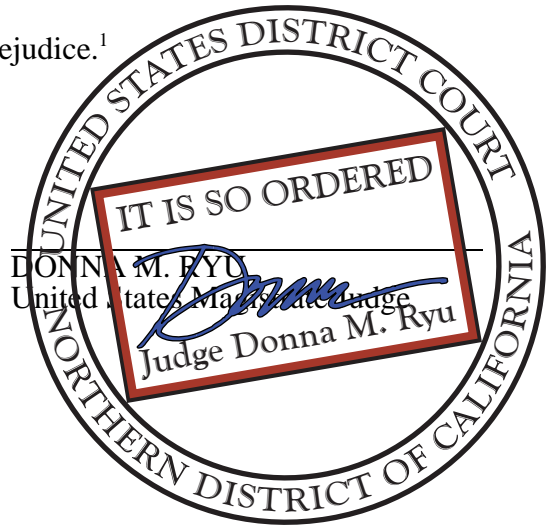
On December 22, 2011, Plaintiff filed this action *pro se* in conjunction with an Application to Proceed *in Forma Pauperis* (“IFP Application”). [Docket Nos. 1-2.] In his complaint, Plaintiff states that Defendant AT&T Corporation failed to publish his advertisement in its December 2011-2012 Yellow Pages phone book. He seeks \$227.5 billion in damages.

After reviewing Plaintiff’s IFP Application, the court determines that Plaintiff meets the financial requirements of 28 U.S.C. § 1915. The court therefore GRANTS the application. The court nevertheless must dismiss Plaintiff’s complaint pursuant to § 1915(e)(2)(B)(ii), because it fails to state a claim upon which relief can be granted. Even taking into account the court’s duty to construe *pro se* pleadings liberally, *see Bernhardt v. L.A. Cnty.*, 339 F.3d 920, 925 (9th Cir.2003), the court cannot discern a cognizable legal claim based on Defendant’s alleged mere refusal to not

1 publish Plaintiff's advertisement in the style and with the content that he desired. The court
2 therefore dismisses Plaintiff's complaint without prejudice.¹

3 IT IS SO ORDERED.

4 Dated: January 26, 2012



5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

23 ¹ A magistrate judge generally must obtain the consent of the parties to enter dispositive
24 rulings and judgments in a civil case. *See* 28 U.S.C. § 636(c)(1). However, in cases such as this
25 one, where the plaintiff has consented but not served the defendants, “all parties have consented
26 pursuant to 28 U.S.C. § 636(c)(1),” and a magistrate judge therefore “may conduct any or all
27 proceedings in a jury or nonjury civil matter and order the entry of judgment in the case.” *Gaddy v.*
28 *McDonald*, No. 11-CV-8271, 2011 WL 5515505, at *1 n.2 (C.D. Cal. Nov. 9, 2011) (not reported in
F. Supp. 2d) (quoting § 636(c)(1)) (citing *United States v. Real Property*, 135 F.3d 1312, 1317 (9th
Cir. 1995)); *Third World Media, LLC v. Doe*, No. C-10-4470 LB, 2011 WL 4344160, at *3 (N.D.
Cal. Sept. 15, 2011)); *see also Neals v. Norwood*, 59 F.3d 530, 532 (5th Cir.1995) (holding that
magistrate judge had jurisdiction to dismiss . . . action . . . as frivolous without consent of defendants
because defendants not yet served and therefore not parties).