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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MAGDALINA KALINCHEVA,

Plaintiff,

No. C 14-2705 PJH

v.

ORDER

JESSE NEUBARTH,

Defendant.

Plaintiff Magdalena Kalincheva initiated this action on June 11, 2014, by filing seven "ex parte" applications seeking various types of relief, along with a motion for leave to proceed in forma pauperis ("IFP"), without prepayment of fees.

The court may authorize a plaintiff to file an action in federal court without prepayment of fees or security if the plaintiff submits an affidavit showing that he or she is unable to pay such fees or give security therefor. 28 U.S.C. § 1915(a)(1). When a complaint is filed IFP, the court must dismiss it prior to service of process if it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary damages against defendants who are immune from suit. 28 U.S.C. § 1915(e)(2); see also Franklin v. Murphy, 745 F.2d 1221, 1226-27 (9th Cir. 1984).

Here, the court is unable to conduct the review mandated by § 1915 because plaintiff did not file a complaint. Moreover, the case cannot proceed in the absence of a complaint. See Fed. R. Civ. P. 3 ("A civil action is commenced by filing a complaint with the court.") The complaint must include "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a).

In this case, based on the "ex parte" applications filed by plaintiff, the court is unable

1 to determine what possible claims plaintiff might be attempting to assert in this action, and
2 what facts support those claims. The applications are largely incomprehensible. The court
3 notes, however, that there appear to be similarities between the applications filed in this
4 case and the allegations in the numerous other cases filed by plaintiff against the same
5 defendant in this judicial district, the Eastern District of California, the Southern District of
6 California, and judicial districts in other states, and that the dismissal of the claims in those
7 cases might bar any relitigation of the same claims here.

8 No later than July 18, 2014, plaintiff must file a complaint in this action, setting forth
9 the causes of action she intends to assert, and also setting forth facts that clearly support
10 those causes of action, including a clear statement of the actions of defendant Jesse
11 Neubarth that she believes gives rise to those causes of action. Plaintiff must also state
12 the location of defendant's residence. Finally, plaintiff must file a revised IFP application.
13 In particular, the court finds plaintiff's response to question No. 10 (asking whether the
14 complaint she seeks to file raises claims that have been presented in other lawsuits) to be
15 incomprehensible.

16 Plaintiff's request that the court serve her with copies of orders and other documents
17 by fax or email is DENIED. Plaintiff's request for access to PACER for 24 years without
18 payment of user fees is DENIED.

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IT IS SO ORDERED.

Dated: June 18, 2014



PHYLLIS J. HAMILTON
United States District Judge