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4                                    UNITED STATES DISTRICT COURT

5                                  NORTHERN DISTRICT OF CALIFORNIA

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7     LYNDA MAYE, et al.,
                      Plaintiffs,                          Case No.  14-cv-02841-KAW
                 v.
8                                                          ORDER DISMISSING PLAINTIFF'S
      COUNTY OF SONOMA, et al.,                            COMPLAINT WITH LEAVE TO AMEND
9                     Defendants.                          AND DENYING IN FORMA PAUPERIS
                                                           APPLICATION WITHOUT PREJUDICE
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13           The Court has received Plaintiff Lynda Maye's complaint and application to proceed *in*

14    *forma pauperis* (IFP), both filed in this Court on June 19, 2014.  The Court may authorize a

15    plaintiff to file an action in federal court without prepayment of fees or security if the plaintiff

16    submits an affidavit showing that he or she is unable to pay such fees or give security therefor.  28

17    U.S.C. § 1915(a).  The IFP statute also provides that the Court shall dismiss the case if at any time

18    the Court determines that the allegation of poverty is untrue, or that the action (1) is frivolous or

19    malicious, (2) fails to state a claim on which relief may be granted; or (3) seeks monetary relief

20    against a defendant who is immune from such relief.  28 U.S.C. § 1915(e)(2).

21           Plaintiff's IFP application, however, is incomplete as filed, as she has not fully answered

22    question numbers 1, 3, 4, 7, 8, and 9.  For example, Plaintiff must provide information regarding

23    her assets, monthly expenses, and her debts.  Plaintiff may resubmit an amended IFP application

24    that is completed in full by September 26, 2014 or pay the filing fee.

25           Additionally, it is impossible to discern from Plaintiff's complaint which essential details

26    of the events pertain to which legal theories under which she seeks relief, including the identities

27    of the individuals allegedly involved, with the exception of Angela Tejada.  The caption of the

28    complaint lists ten causes of action, but only two claims are included in the body of the complaint.

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1   Further, most of the individuals named as defendants are not identified in the complaint. If

2   Plaintiff wishes to sue each person listed as a defendant individually, she must identify them in the

3   "Parties" section of her complaint. Lastly, Plaintiff has failed to set forth "a short and plain

4   statement of the claim showing that the pleader is entitled to relief" as required by Rule 8 of the

5   Federal Rules of Civil Procedure. Plaintiff must clearly identify the facts that pertain to each

6   cause of action. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The recitation of the legal elements

7   of a cause of action, alone, is insufficient. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007).
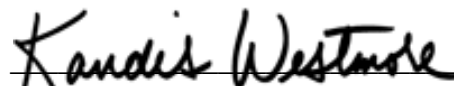
8        In amending her complaint, Plaintiff may wish to consult an attorney. Should she be

9   unable to obtain counsel, she may wish to consult a manual the court has adopted to assist pro se

10   litigants in presenting their case. This manual, and other free information for pro se litigants, is

11   available online at: *http://cand.uscourts.gov/proselitigants*. Plaintiff may also wish to contact the

12   Federal Pro Bono Project's Help Desk—a free service for pro se litigants—by calling (415) 782-

13   8982.

14        Plaintiff should be aware that an amended complaint will supersede or replace the original

15   complaint, and the original complaint will thereafter be treated as nonexistent. *Armstrong v. Davis*,

16   275 F.3d 849, 878 n.40 (9th Cir. 2001), abrogated on other grounds by *Johnson v. Cal.*, 543 U.S.

17   499 (2005). The first amended complaint must, therefore, be complete, in itself, without reference

18   to the prior or superseded pleading, as "[a]ll causes of action alleged in an original complaint

19   which are not alleged in an amended complaint are waived." *King v. Atiyeh*, 814 F.2d 565, 567

20   (9th Cir. 1987) (citations omitted).

21        Accordingly, pursuant to its authority under 28 U.S.C. § 1915(e)(2), the Court dismisses

22   Plaintiff's complaint with leave to amend. Plaintiff shall file the first amended complaint no later

23   than September 26, 2014 or the case may be dismissed. Also by September 26, 2014, Plaintiff

24   must file an amended IFP application or pay the filing fee.

25        IT IS SO ORDERED.

26   Dated: August 14, 2014

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28                                   KANDIS A. WESTMORE
United States Magistrate Judge

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