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2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 A. BOLTON,
6 Plaintiff,
7 v.
8 CITY OF BERKELEY, et al.,
9 Defendants.

Case No. [4:17-cv-01387-KAW](#)

**ORDER DISMISSING COMPLAINT
WITH LEAVE TO AMEND**

Re: Dkt. No. 1

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11 The Court has received Plaintiff's complaint and application to proceed *in forma pauperis*,
12 both filed in this Court on March 14, 2017. The Court may authorize a plaintiff to file an action in
13 federal court without prepayment of fees or security if the plaintiff submits an affidavit showing
14 that he or she is unable to pay such fees or give security therefor. 28 U.S.C. § 1915(a). The
15 undersigned previously granted Plaintiff's IFP application, but declined to issue the summons at
16 that time. The *in forma pauperis* statute provides that the Court shall dismiss the case if at any
17 time the Court determines that the allegation of poverty is untrue, or that the action (1) is frivolous
18 or malicious, (2) fails to state a claim on which relief may be granted; or (3) seeks monetary relief
19 against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

20 It is impossible to discern from plaintiff's complaint any of the essential details of the
21 events that triggered plaintiff's lawsuit, or the legal theories under which he seeks relief. Plaintiff
22 has failed to set forth "a short and plain statement of the claim showing that the pleader is entitled
23 to relief" as required by Rule 8 of the Federal Rules of Civil Procedure. Plaintiff is advised that he
24 must include his full name in the complaint, because the defendants have a right to know who is
25 suing them. He must also clearly include facts that pertain to each cause of action rather than
26 incorporate preceding paragraphs by reference. Plaintiff is further advised that civil rights actions
27 have a two-year statute of limitations, so any incidents that occurred before 2015 are most likely
28 time-barred. Plaintiff must also allege that he has complied with administrative claims

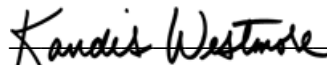
1 requirements pertaining to his state law causes of action. These claims cannot be pursued without
2 having exhausted his administrative remedies.

3 Accordingly, pursuant to its authority under 28 U.S.C. § 1915(e)(2), the Court hereby
4 dismisses plaintiff's complaint with leave to amend. Plaintiff shall file a first amended complaint
5 no later than **August 4, 2017** or the case may be dismissed with prejudice.

6 In amending his complaint, Plaintiff may wish to contact the Federal Pro Bono Project's
7 Help Desk for assistance—a free service for pro se litigants—by calling (415) 782-8982. Plaintiff
8 may also wish to consult a manual the court has adopted to assist pro se litigants in presenting
9 their case. This manual, and other free information for pro se litigants, is available online at:
10 *<http://cand.uscourts.gov/proselitigants>*.

11 IT IS SO ORDERED.

12 Dated: July 5, 2017

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14 KANDIS A. WESTMORE
15 United States Magistrate Judge
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