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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARILYN BLOCH,  
Plaintiff,  
v.  
FACEBOOK INC.,  
Defendant.

Case No. [4:17-cv-03803-KAW](#)

**ORDER DISMISSING COMPLAINT  
WITH LEAVE TO AMEND**

Re: Dkt. No. 1

The Court has received Plaintiff's complaint and application to proceed *in forma pauperis*, both filed in this Court on July 3, 2017. 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). On July 7, 2017, the Court granted Plaintiff's request to proceed IFP, but decided that the issuance of summons and service would be determined separately.

The *in forma pauperis* statute provides that the Court shall dismiss the case if at any time the Court determines that the allegation of poverty is untrue, or that the action (1) is frivolous or malicious, (2) fails to state a claim on which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

Here, Plaintiff appears to be claiming that Facebook infringed on her copyrights by suspending her Facebook account, and is seeking monetary damages and the restoration of her account. (Compl., Dkt. No. 1 at 3.) Copyright infringement, however, requires an allegation of infringement rather than preventing access to allegedly copyrighted works uploaded via a social media platform, in which user rights are outlined in a Terms of Service Agreement. There is no such allegation here, nor does it appear that, based on the facts described, that such an actionable claim exists.

Thus, Plaintiff has failed to set forth "a short and plain statement of the claim showing that the pleader is entitled to relief" as required by Rule 8 of the Federal Rules of Civil Procedure.

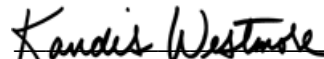
1 Accordingly, pursuant to its authority under 28 U.S.C. § 1915(e)(2), the Court hereby dismisses  
2 plaintiff's complaint with leave to amend. Plaintiff shall file an amended complaint no later than  
3 **August 31, 2017** or the case will be dismissed with prejudice.

4 In amending her complaint, Plaintiff may wish to contact the Federal Pro Bono Project's  
5 Help Desk for assistance—a free service for pro se litigants—by calling (415) 782-8982 to make  
6 an appointment. While the Help Desk will not represent her, a licensed attorney may assist  
7 Plaintiff in determining whether she has a viable claim against Facebook. If no viable claim  
8 exists, Plaintiff should file a voluntary dismissal in lieu of an amended complaint, also by August  
9 31, 2017.

10 Plaintiff may also wish to consult a manual the court has adopted to assist pro se litigants  
11 in presenting their case. This manual, and other free information for pro se litigants, is available  
12 online at: <http://cand.uscourts.gov/proselitigants>.

13 IT IS SO ORDERED.

14 Dated: August 7, 2017

15   
16 KANDIS A. WESTMORE  
17 United States Magistrate Judge