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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

RICHARD E. JACKSON, III,

Plaintiff,

vs.

STATE OF CALIFORNIA,

Defendant.

CASE NO. 15cv1353-LAB (NLS)

**ORDER OF DISMISSAL**

Jackson brought this civil rights lawsuit against the State of California pursuant to 42 U.S.C. § 1983. (Docket no. 1.) Jackson didn't pay the civil filing fees required by 28 U.S.C. § 1914(a) to commence a civil action; instead he has filed a motion to proceed in forma pauperis ("IFP") pursuant to 28 U.S.C. § 1915(a) (Docket no. 2.)

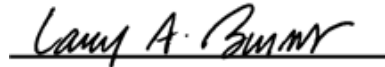
The IFP application makes the showing required by 28 U.S.C. § 1915(a)(1). However, a determination that a plaintiff qualifies financially for in forma pauperis status does not complete the inquiry required by the statute. "A district court may deny leave to proceed in forma pauperis at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit." *Minetti v. Port of Seattle*, 152 F.3d 1113, 1115 (9th Cir.1998) (quotation omitted).

The Eleventh Amendment prohibits federal jurisdiction over claims brought against a state and its agencies unless the state consents to suit. *Pennhurst State School & Hosp. v. Halderman*, 465 U.S. 89, 100 (1984). The State of California is the only defendant that

1 Jackson has named in this case. (Docket no. 1.) "The State of California has not waived its  
2 Eleventh Amendment immunity with respect to claims brought under § 1983 in federal court,  
3 and the Supreme Court has held that § 1983 was not intended to abrogate a State's Eleventh  
4 Amendment immunity." *Dittman v. State of California*, 191 F.3d 1020, 1025–26 (9th Cir.  
5 1999) (internal citation and quotation marks omitted). Thus, Jackson can't bring suit against  
6 California under § 1983. *Maldonado v. Harris*, 370 F.3d 945, 951 (9th Cir. 2004) ("State  
7 agencies . . . are not 'persons 'within the meaning of § 1983, and are therefore not amenable  
8 to suit under that statute."). This case is **DISMISSED**.

9 **IT IS SO ORDERED.**

10 DATED: June 30, 2015

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12 **HONORABLE LARRY ALAN BURNS**  
13 United States District Judge

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