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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 GAVIN B. DAVIS,

12 Plaintiff,

13 v.

14 SAN DIEGO DISTRICT ATTORNEY;
15 MR. LEONARD TRINH; SAN DIEGO
16 POLICE DEPARTMENT; JOHN DOES,

17 Defendants.
18

Case No.: 17-CV-654 JLS (BGS)

**ORDER GRANTING MOTIONS TO
DISMISS**

(ECF Nos. 5, 6)

19 Presently before the Court are Defendants San Diego District Attorney and Leonard
20 Trinh’s Motion to Dismiss Complaint for Failure to Allege a Short, Plain Statement and
21 for Failure to State a Claim, (“MTD 1,” ECF No. 5), and Defendant City of San Diego’s
22 Motion to Dismiss Plaintiff’s Complaint, (“MTD 2,” ECF No. 6). Also before the Court
23 are Plaintiff Gavin B. Davis’s response in opposition to one of these motions, (“MTD 2
24 Opp’n,” ECF No. 7), and Defendant City of San Diego’s reply in support of its motion,
25 (“MTD 2 Reply,” ECF No. 20). The Court vacated the hearing on the motions and took
26 them under submission without oral argument pursuant to Civil Local Rule 7.1(d)(1). (ECF
27 No. 21.) After considering the parties’ arguments and the law, the Court **GRANTS**
28 Defendants’ Motions to Dismiss (ECF Nos. 5, 6).

1 **ANALYSIS**

2 Defendants move to dismiss Plaintiff’s complaint for failure to meet the
3 requirements of Federal Rule of Civil Procedure 8(a). (*See generally* MTD 1, MTD 2.) The
4 Court agrees.

5 On March 31, 2017, Plaintiff filed a meandering forty-four-page Complaint that
6 discusses various wrongs Plaintiff believes he has suffered. (*See* Compl., ECF No. 1.)
7 Plaintiff generally describes two “incidents” which purportedly give rise to claims for relief
8 against Defendants. In the first, Plaintiff appears to describe a restraining order that was
9 enforced against him by his ex-wife and the San Diego Police Department. (*See id.* at 10–
10 15.¹) In the second, Plaintiff discusses his arrest inside superior court for what appears to
11 be contempt of court. (*See id.* at 15–20.) Then Plaintiff describes events under the title of
12 “other attempts at illegal pre-trial detention and custody of the plaintiff,” (*id.* at 21–39),
13 which are even more disjointed and difficult to comprehend than his previous two
14 “incidents.” After assessing Plaintiff’s Complaint, the Court cannot discern the outlines of
15 any particular claim for relief and thus agrees with Defendants that Plaintiff has failed to
16 give them fair notice of the claims against them. Accordingly, the Court **GRANTS**
17 Defendants’ Motions to Dismiss. *See, e.g., Davis v. Unruh*, No. 16-56306, 2017 WL
18 695206, at *1 (9th Cir. Feb. 22, 2017) (affirming the court’s dismissal of this Plaintiff’s
19 complaint for failure to satisfy Rule 8); *Cafasso, United States ex rel. v. Gen. Dynamics*
20 *C4 Sys., Inc.*, 637 F.3d 1047, 1058–59 (9th Cir. 2011) (collecting cases upholding Rule 8
21 dismissals where pleadings were “verbose,” “confusing,” “distracting, ambiguous, and
22 unintelligible,” “highly repetitious,” and comprised of “incomprehensible rambling”);
23 *United States ex rel. Garst v. Lockheed-Martin Corp.*, 328 F.3d 374, 378 (7th Cir. 2003)
24 (“Rule 8(a) requires parties to make their pleadings straightforward, so that judges and
25 adverse parties need not try to fish a gold coin from a bucket of mud.”).

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¹ Pin citations to docketed material refer to the CM/ECF numbers electronically stamped at the top of each page.

1 The Court will grant Plaintiff an opportunity to amend his Complaint to address the
2 deficiencies set forth above and as outlined by Defendants in their motions. In the amended
3 complaint, Plaintiff must succinctly specify who did what, when the events occurred, and
4 how Plaintiff was harmed by the alleged conduct.

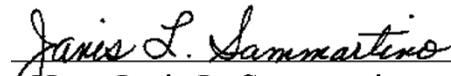
5 **CONCLUSION**

6 For the reasons stated above, the Court **GRANTS** Defendants' Motions to Dismiss
7 (ECF Nos. 5, 6). Accordingly, the Court **DISMISSES WITHOUT PREJUDICE**
8 Plaintiff's Complaint (ECF No. 1). Plaintiff **SHALL FILE** an amended complaint, if any,
9 on or before thirty (30) days of the date on which this order is electronically docketed.

10 *Failure to file an amended complaint within this time period may result in this case being*
11 *dismissed with prejudice.*

12 **IT IS SO ORDERED.**

13 Dated: July 12, 2017

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15 Hon. Janis L. Sammartino
16 United States District Judge
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