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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

ALONZO SPENCER,	
	Plaintiff,
v.	
PIER JOHANSON,	
	Defendant.

Case No.: 17cv1798-LAB (JLB)

**ORDER GRANTING MOTION TO  
PROCEED IN FORMA PAUPERIS;  
  
ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL;  
AND  
  
ORDER OF DISMISSAL**

Plaintiff Alonzo Spencer, proceeding *pro se*, filed his complaint in this case along with a motion to proceed *in forma pauperis* and a motion for appointment of counsel. The IFP motion shows Spencer lacks the funds to pay the filing fee, and the motion is **GRANTED**. The motion for appointment of counsel, however, is incomplete. Spencer used a form to prepare this motion. In the area where he was to have described his efforts to find an attorney to represent him, Spencer has said nothing.

A complaint filed by any person seeking to proceed IFP pursuant to 28 U.S.C. § 1915(a) is subject to a mandatory and *sua sponte* review and dismissal by the court to the extent it is “frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant immune from such relief.” 28 U.S.C. § 1915(e)(2)(B).

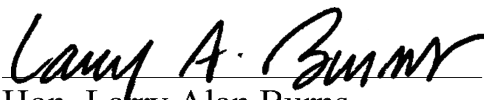
1 Under Fed. R. Civ. P. 8(a), every complaint filed in federal court must contain a  
2 short and plain statement of the grounds for the Court’s jurisdiction, and a short and plain  
3 statement of the claim showing that the plaintiff is entitled to relief. The complaint,  
4 which is illegible in places, alleges that Spencer worked for Falkenburg/Gilliam, Inc.  
5 Later Pier Johanson was hired. Spencer alleges that Johanson harassed him on the job.  
6 The complaint also says Johanson “took the Plaintiff to his Kang[a]roo Court” after  
7 which Spencer was fired. Spencer is suing Johanson only, not Falkenburg/Gilliam or  
8 anyone else. A review of state court records shows that spencer sued Johanson in 2009  
9 for harassment, and Falkenberg/Gilliam Associates in 2013 for wrongful termination.<sup>1</sup>

10 Besides failing to state a claim, the complaint identifies no basis for the Court’s  
11 exercise of jurisdiction in this case. Spencer’s alleged harassment by a co-worker might  
12 be actionable in state court, but it is not actionable here. Furthermore, it appears Spencer  
13 already brought his claims in state court, which deprives this Court of jurisdiction to hear  
14 them, under the *Rooker-Feldman* doctrine. *See Noel v. Hall*, 341 F.3d 1148, 1154–56 (9<sup>th</sup>  
15 Cir. 2003).

16 Even if Spencer had shown why counsel could or should be appointed, he is not  
17 bringing any claims over which the Court can exercise jurisdiction. The complaint is  
18 **DISMISSED WITHOUT PREJUDICE** for failure to state a claim, and for failure to  
19 invoke the Court’s jurisdiction. The motion for appointment of counsel is **DENIED AS**  
20 **MOOT**.

21 **IT IS SO ORDERED.**

22 Dated: September 11, 2017

23   
24 Hon. Larry Alan Burns  
25 United States District Judge

26 \_\_\_\_\_  
27 <sup>1</sup> Spencer’s spelling of these parties’ names has been inconsistent, but the two state law cases appear to  
28 involve the exact same people. In the 2009 state court proceeding, the defendant’s name is spelled both  
as “Per Johnson” and “Pierce Johnson”.