

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

JEFFREY A. TAYLOR,

Plaintiff,

v.

ALDRIDGE PITE, et. al.

Defendants.

Case No. 1:19-CV-323-BLW

**MEMORANDUM DECISION
AND ORDER**

INTRODUCTION

The Court has before it plaintiff's application to proceed without payment of fees. For the reasons explained below, the Court will conditionally deny the application and dismiss this case unless the plaintiff amends his complaint to cure the flaws identified below.

ANALYSIS

The Court is required to screen complaints brought by litigants who seek in forma pauperis status. *See* 28 U.S.C. § 1915(e)(2). Plaintiff's Complaint, or a portion thereof, will be dismissed if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief can be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(B)(i-iii). To state a claim upon which relief can be granted, plaintiff's Complaint must include facts sufficient to show a plausible claim

for relief. *See Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009). During this initial review, courts generally construe pro se pleadings liberally, giving pro se plaintiffs the benefit of any doubt. *See Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000).

Additionally, if amending the complaint would remedy the deficiencies, plaintiffs should be notified and provided an opportunity to amend. *See Jackson v. Carey*, 353 F.3d 750, 758 (9th Cir. 2003).

In his complaint, plaintiff essentially is appealing from a decision of the Ada County District Court, arguing that the District Judge and the attorneys conspired against him during a foreclosure action to evict him from the property. The complaint is long and very difficult to follow. It appears to be an appeal from the Ada County Judge's decision and does not contain any grounds for federal jurisdiction. The plaintiff fails to explain why he is unable to appeal that decision through the Idaho state courts.

As such, the complaint is frivolous and fails to state a claim upon which relief can be granted. Yet the Court cannot hold that no conceivable amendment could save this action. The Court will therefore give the plaintiff another opportunity to file an amended complaint that will cure the flaws in the original complaint by doing the following: (1) Stating a clear and coherent claim for relief; (2) Stating a foundation for Federal Court jurisdiction; and (3) Explaining why the plaintiff has not pursued an appeal of the Ada County District Court decision through the normal channels of the Idaho State Courts. The Court will give plaintiff 10 days to file this amended complaint, which the Court will

review again under the same standard applied here.

ORDER

In accordance with the Memorandum Decision set forth above,
NOW THEREFORE IT IS HEREBY ORDERED, that this action be
CONDITIONALLY DISMISSED WITH PREJUDICE pursuant to 28 U.S.C. §
1915(e)(2)(B)(i-iii) unless within ten (10) day, the plaintiff files an amended complaint
that cures the flaws identified above.



DATED: September 24, 2019

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
U.S. District Court Judge