

UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

CHU-WY-LUGHX,)	
)	
)	Case No. CV 08-554-N-ELJ
Plaintiff,)	
)	REPORT AND RECOMMENDATION
vs.)	
)	
MICHAEL MUCASEY,)	
)	
Defendant.)	
)	

Plaintiff Chu-Wy-Lughx, acting *pro se*, brought this action against Michael Mucasey, the former Attorney General of the United States. Plaintiff filed a Motion to Proceed *In Forma Pauperis* (Docket No. 1), a Motion to Appoint Counsel (Docket No. 8) and a Complaint (Docket No. 3). After thoroughly reviewing the contents of the Complaint and the record, and entering an Initial Review Order (Docket No. 25), the Court enters the following Report and Recommendation.

REPORT

Plaintiff filed a Complaint alleging civil rights violations against Michael Mucasey on December 22, 2008. (Docket No. 3.) After thoroughly reviewing the contents of the Complaint, the Court entered an Initial Review Order on October 27, 2009. (Docket No. 9.) In the Initial Review Order, the Court found that Plaintiff's Complaint did not satisfy the requirements of Fed.

R. Civ. P. 8. However, pursuant to Ninth Circuit precedent,¹ the Court allowed the Plaintiff thirty days to file an amended complaint, directing Plaintiff to provide more specific information regarding his allegations, including: "the specific actions taken by Mr. Mucasey, the specific rights Plaintiff claims were violated and how Mr. Mucasey's actions caused these violations of Plaintiff's rights, and the specific injuries suffered by Plaintiff as a result of Mr. Mucasey's actions." (Initial Review Order p. 5, Docket No. 9.) The Court also indicated that if Plaintiff did not file an amended complaint, the Court would recommend that the District Judge dismiss the Complaint with prejudice.

The deadline for filing an amended complaint expired on November 27, 2009. Plaintiff failed to file an amended complaint. Therefore, the Court recommends that Plaintiff's Complaint (Docket No. 3) be dismissed with prejudice. In light of this, the Court further recommends that Plaintiff's Motion to Proceed *In Forma Pauperis* (Docket No. 1) and Plaintiff's Motion to Appoint Counsel (Docket No. 8) be dismissed as moot.

RECOMMENDATION

Based on the foregoing, the Court being otherwise fully advised in the premises, **IT IS HEREBY RECOMMENDED** that:

- 1) Plaintiff's Complaint (Docket No. 3) be dismissed with prejudice; and
- 2) Plaintiff's Motion to Proceed *In Forma Pauperis* (Docket No. 1) and Motion to Appoint Counsel (Docket No. 8) be dismissed as moot.

¹ See *Karim -Panahi v. Los Angeles Police Dept.*, 839 F.3d 621, 623 (9th Cir. 1988) ("A pro se litigant must be given leave to amend his or her complaint unless it is 'absolutely clear that the deficiencies of the complaint could not be cured by amendment.'") (*quoting Noll v. Carlson*, 809 F.3d 1446, 1448 (9th Cir. 1987)).

Written objections to this Report and Recommendation must be filed within fourteen (14) days pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(b), or as a result of failing to do so, that party may waive the right to raise factual and/or legal objections to the United States Court of Appeals for the Ninth Circuit.



DATED: December 15, 2009

A handwritten signature in cursive script, appearing to read "C. Dale".

Honorable Candy W. Dale
Chief United States Magistrate Judge