

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LEI YIN,)
Plaintiff,)
v.) Civil Action No.
THERMO FISHER SCIENTIFIC,) 17-10900-FDS
Defendant.)

)

ORDER CONCERNING JURISDICTION AND AMENDMENT OF THE COMPLAINT

SAYLOR, J.

On August 31, 2017, the Court directed plaintiff to show cause why this action should not be dismissed for lack of subject-matter jurisdiction. Plaintiff responded to that order on September 18, and filed additional supporting documents on September 25, 2017.

Plaintiff's response appears to assert claims for discrimination based on his race and age in violation of federal law, among other claims. The Court will construe that response as a form of amended complaint. The Court accordingly concludes that it does have subject-matter jurisdiction. The complaint, however, does not comply with Federal Rule of Civil Procedure 8.

Rule 8 provides: "A pleading that states a claim for relief must contain: (1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support; (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought, which may include relief in the alternative or different types of relief." Fed. R. Civ. Pro. 8. The purpose of this rule is to "give the defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests." *Calvi v. Knox Cty.*, 470 F.3d 422, 430 (1st Cir. 2006) (quoting

Educadores Puertorriqueños en Acción v. Hernández, 367 F.3d 61, 66 (1st Cir. 2004)). The statement of the claim must “at least set forth minimal facts as to who did what to whom, when, where, and why.” *Id.* (quoting *Educadores*, 367 F.3d at 68). The plaintiff’s obligation to provide the grounds of his claim “requires more than labels and conclusions.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). A court is not “bound to accept as true a legal conclusion couched as a factual allegation.” *Id.* (quoting *Papasan v. Allain*, 478 U.S. 265, 286 (1986)).

Plaintiff is therefore directed to file an amended complaint setting forth a short and plain statement of his claims, whether arising under federal or state law, and otherwise complying with Rule 8. That amended complaint must be filed on or before October 17, 2017. Failure to comply with this order may result in dismissal of the complaint.

So Ordered.

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge

Dated: September 26, 2017