

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

FRANCES BAGGERMAN,

CV 08-131-M-DWM-JCL

Plaintiff,

vs.

FINDINGS AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

STEVE McAFEE,
DAVE ARMERDING, and
KARLA COPENHAVER,

Defendants.

The Plaintiff, Frances Baggerman, filed her Complaint in this action on September 11, 2008. Her Complaint alleges Defendants discriminated against her, based on her disabilities, relative to her housing circumstances in Missoula. Baggerman's Complaint sets forth bare allegations of discrimination and harassment committed against her and her "State Service Dog". She alleges the occurrence of an assault on her, and she states her dog died unjustifiably, but she does not explain the factual circumstances surrounding those occurrences. She also alleges her cleaning deposit is due to be returned to her. Baggerman's allegations, however, do not present any factual description of any specific events which allegedly occurred, or when any such events may have occurred.

By Order entered September 19, 2008, the Court granted Baggerman's Motion to Proceed In Forma Pauperis under authority

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of 28 U.S.C. § 1915(a), and the Court reviewed the merits of Baggerman's allegations under § 1915(e)(2). See September 19, 2008 Order at 1-2. Upon such review, the Court concluded Baggerman failed to allege any facts in support of her claims and, therefore, her Complaint failed to state a claim on which relief could be granted thereby subjecting the Complaint to dismissal. *Id.* at 4.

Although Baggerman's Complaint fails to state a claim for relief, the Court afforded her an opportunity to amend her pleading to properly state a claim. The Court gave her until October 17, 2008, to file her amended pleading. Baggerman has not filed her amended pleading as permitted by the Court. Accordingly, Baggerman's original defective pleading remains pending before the Court.

Based on the foregoing, the Court hereby enters the following:

RECOMMENDATION

For the reasons stated in the Court's September 19, 2008 Order, Baggerman's Complaint filed on September 11, 2008, fails to state a claim on which relief may be granted and should be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

DATED this 1st day of December, 2008.

/s/ Jeremiah C. Lynch
Jeremiah C. Lynch
United States Magistrate Judge