

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

KIRSHA BROWN-YOUNGER,)	
)	
Plaintiff,)	
)	2:11-cv-00505-GMN-LRL
v.)	
)	ORDER
DEPARTMENT OF WELFARE,)	
)	
Defendant.)	
)	

Plaintiff has submitted an Application to Proceed *In Forma Pauperis* and a Complaint (#1). The court finds that plaintiff is unable to prepay the filing fee. Further, although the court will dismiss the Complaint, it will do so without prejudice to allow plaintiff to cure the deficiencies listed below.

I. In Forma Pauperis Application

Plaintiff has submitted the affidavit required by 28 U.S.C. § 1915(a) showing that she is unable to prepay fees and costs or give security for them. Accordingly, her request to proceed *in forma pauperis* will be granted pursuant to § 1915(a).

II. Screening the Complaint

Upon granting a request to proceed *in forma pauperis*, a court must additionally screen a complaint pursuant to § 1915(e). Specifically, federal courts are given the authority to dismiss a case if the action is legally “frivolous or malicious,” fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. § 1915(e)(2). “To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009) (internal quotations and citation omitted).

1 In considering whether the plaintiff has stated a claim upon which relief can be granted, all
2 material allegations in the complaint are accepted as true and are to be construed in the light most
3 favorable to the plaintiff. *Russel v. Landrieu*, 621 f.2d 1037, 1039 (9th Cir. 1980). Allegations of a pro
4 se complaint are held to less stringent standards than formal pleading drafted by lawyers. *Haines v.*
5 *Kerner*, 404 U.S. 519, 520 (1972) (per curiam). When a court dismisses a complaint under § 1915(e),
6 the plaintiff should be given leave to amend the complaint with directions as to curing its deficiencies,
7 unless it is clear from the face of the complaint that the deficiencies could not be cured by amendment.
8 *See Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995) (citation omitted).

9 **III. Instant Complaint**

10 Plaintiff has filed a Complaint against the “Department of Welfare” using the court’s form to
11 file § 1983 actions. She seeks relief in the amount of \$25,000. However, she sets forth no causes of
12 action in the Complaint and therefore asserts no civil rights violations. As the “Nature of the Case,” she
13 writes that she received a visit from two investigators from the Department of Welfare, State of Nevada,
14 but that she was not notified of the visits by mail or phone. She further alleges, “these people accused
15 me of fraud food stamp because I am on social security.” Complaint (#1-1) at 3. Plaintiff’s
16 dissatisfaction with the investigators’ un-noticed visit and their alleged accusations do not amount to
17 a civil rights violation. Additionally, plaintiff does not provide the names of any defendants where
18 required on the court’s complaint form (“A. Jurisdiction”). Hence, her Complaint must be dismissed
19 for failure to state a claim upon which relief may be granted. Plaintiff will, however, be afforded an
20 opportunity to amend the Complaint.

21 Accordingly, and for good cause shown,

22 IT IS ORDERED that plaintiff’s Application to Proceed *In Forma Pauperis* (#1) is GRANTED.

23 IT IS FURTHER ORDERED that plaintiff is permitted to maintain the action to conclusion
24 without necessity of prepayment of any additional fees, costs, or security. This Order granting *forma*
25 *pauperis* status shall not extend to the issuance of subpoenas at government expense.

26 IT IS FURTHER ORDERED that the Clerk of Court shall file the complaint.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IT IS FURTHER ORDERED that the Complaint will be dismissed without prejudice.

IT IS FURTHER ORDERED that plaintiff shall file an amended complaint by July 7, 2011 or her case will be dismissed with prejudice.

DATED this 7th day of June, 2011.



LAWRENCE R. LEAVITT
UNITED STATES MAGISTRATE JUDGE