

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LOIS MOORE,
Plaintiff,
vs.
CENTENNIAL PARK, et al.,
Defendants

Case No. 2:16-cv-00113-APG-CWH

SCREENING ORDER

Presently before the court is pro se Plaintiff Lois Moore's application to proceed *in forma pauperis* (ECF No. 1), filed on January 20, 2016. Also before the court is Plaintiff's complaint (ECF No. 1-2), filed on the same date.

I. *IN FORMA PAUPERIS* APPLICATION

Plaintiff has submitted the declaration required by 28 U.S.C. § 1915(a) showing an inability to prepay fees and costs or give security for them. Accordingly, Plaintiff's request to proceed *in forma pauperis* will be granted.

II. SCREENING COMPLAINT

Upon granting a request to proceed *in forma pauperis*, a court must screen the complaint under 28 U.S.C. § 1915(e)(2). In screening the complaint, a court must identify cognizable claims and dismiss claims that are frivolous, malicious, file to state a claim on which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). Dismissal for failure to state a claim under § 1915(e)(2) incorporates the standard for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). To survive § 1915 review, a complaint must “contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The court liberally construes pro se complaints and may only

1 dismiss them “if it appears beyond doubt that the plaintiff can prove no set of facts in support of his
2 claim which would entitle him to relief.” *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir. 2014)
3 (quoting *Iqbal*, 556 U.S. at 678).

4 In considering whether the complaint is sufficient to state a claim, all allegations of material
5 fact are taken as true and construed in the light most favorable to the plaintiff. *Wyler Summit*
6 *P'ship v. Turner Broad. Sys. Inc.*, 135 F.3d 658, 661 (9th Cir. 1998) (citation omitted). Although
7 the standard under Rule 12(b)(6) does not require detailed factual allegations, a plaintiff must
8 provide more than mere labels and conclusions. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555
9 (2007). A formulaic recitation of the elements of a cause of action is insufficient. *Id.* Unless it is
10 clear the complaint’s deficiencies could not be cured through amendment, a pro se plaintiff should
11 be given leave to amend the complaint with notice regarding the complaint’s deficiencies. *Cato v.*
12 *United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

13 Here, Plaintiff submitted to the court a one-page complaint that names “Centennial Park
14 (Kery Thompson)” as the defendants. (ECF No. 1-1.) The complaint alleges “Plaintiff Lois Moore
15 is seeking damages due to illegal eviction and lock out” and demands damages of \$10,000. (*Id.*)
16 Plaintiff does not include any other factual allegations, such as the address of the residence from
17 which she was evicted, the date of the eviction, or the general circumstances surrounding the
18 eviction. Nor does she allege facts explaining Centennial Park and Kery Thompson’s role in the
19 eviction or the reasons she is seeking relief from them. Additionally, Plaintiff does not include any
20 statement of the grounds for the court’s jurisdiction in this case. Without additional factual
21 allegations regarding the underlying dispute and Centennial Park and Kery Thompson’s role in the
22 case, the court cannot evaluate whether Plaintiff’s complaint states a claim against these parties.
23 The court therefore will dismiss Plaintiff’s complaint without prejudice for the Plaintiff to file an
24 amended complaint.

25 If Plaintiff chooses to file an amended complaint, the document must be titled “Amended
26 Complaint.” The amended complaint must contain a short and plain statement describing the
27 underlying case, the defendants’ involvement in the case, and the approximate dates of their
28 involvement. *See Fed. R. Civ. P. 8(a)(2)*. Although the Federal Rules of Civil Procedure adopt a

1 flexible pleading standard, Plaintiff still must give the defendants fair notice of the Plaintiff's
2 claims against it and Plaintiff's entitlement to relief.

3 The amended complaint also must contain a short and plain statement of the grounds for the
4 court's jurisdiction. *See* Fed. R. Civ. P. 8(a)(1). Regarding jurisdiction, Plaintiff is advised that
5 “[f]ederal district courts are courts of limited jurisdiction, possessing only that power authorized by
6 Constitution and statute.” *K2 Am. Corp. v. Roland Oil & Gas, LLC*, 653 F.3d 1024, 1027 (9th Cir.
7 2011) (quotation omitted). Federal district courts “have original jurisdiction of all civil actions
8 arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Federal
9 district courts have original jurisdiction over civil actions in diversity cases “where the matter in
10 controversy exceeds the sum or value of \$75,000” and where the matter is between “citizens of
11 different States.” 28 U.S.C. § 1332(a). “Section 1332 requires complete diversity of citizenship;
12 each of the plaintiffs must be a citizen of a different state than each of the defendants.” *Morris v.*
13 *Princess Cruises, Inc.*, 236 F.3d 1061, 1067 (9th Cir. 2001).

14 Additionally, Plaintiff is advised that if she files an amended complaint, the original
15 complaint (ECF No. 1-1) no longer serves any function in this case. As such, the amended
16 complaint must be complete in and of itself without reference to prior pleadings or other
17 documents. The court cannot refer to a prior pleading or other documents to make Plaintiff's
18 amended complaint complete.

19 IT IS THEREFORE ORDERED that Plaintiff's Application for Leave to Proceed *In Forma*
20 *Pauperis* (ECF No. 1) is GRANTED. Plaintiff will not be required to pay the filing fee in this
21 action. Plaintiff is permitted to maintain this action to conclusion without the necessity of
22 prepayment of any additional fees or costs or the giving of a security for fees or costs. This order
23 granting leave to proceed *in forma pauperis* does not extend to the issuance of subpoenas at
24 government expense.

25 IT IS FURTHER ORDERED that the Clerk of the Court must file Plaintiff's complaint
26 (ECF No. 1-1).

27 IT IS FURTHER ORDERED that the Complaint (ECF No. 1-1) is DISMISSED without
28 prejudice for failure to state a claim upon which relief can be granted, with leave to amend. If

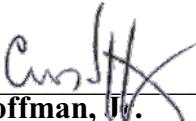
1 Plaintiff chooses to file an amended complaint, Plaintiff must file the amended complaint by June
2 16, 2017. Failure to comply with this order will result in a recommendation that this action be
3 dismissed without prejudice.

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5 DATED: May 17, 2017

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C.W. Hoffman, Jr.
United States Magistrate Judge

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