IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

JANELLE RENE BUTLER,

Plaintiff,

v.

DAN MARX, et al.,

Defendant.

No. 3:16-cv-02402-MO

OPINION AND ORDER

MOSMAN, J.,

On January 25, 2017, I GRANTED pro se Plaintiff Butler's Motion for Leave to Proceed *in Forma Pauperis* [5]. I also issued an Opinion and Order DISMISSING the Complaint without service of process [5]. I gave Ms. Butler until March 2, 2017 to file an Amended Complaint [7]. On March 1, 2017, Ms. Butler filed an Amended Complaint [10]. For the reasons set forth below, Ms. Butler's Amended Complaint is DISMISSED without service of process.

DISCUSSION

Under 28 U.S.C. § 1915(e)(2)(B)(ii), a complaint filed *in forma pauperis* must be dismissed before service of process if it fails to state a claim on which relief may be granted.

In order for a court to have jurisdiction to hear the case, the complaint must contain "a short and plain statement of the grounds for the court's jurisdiction." *Harris v. Rand*, 682 F.3d 846, 850 (9th Cir. 2012) (quoting Fed. R. Civ. P. 8(a)(1)). Separately, the plaintiff must allege

"enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *see also*, *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Thus, the complaint must contain "well-pleaded facts" that "permit the court to infer more than the mere possibility of misconduct." *Iqbal*, 556 U.S. at 679.

Ms. Butler's Amended Complaint alleges that I have federal question jurisdiction, based upon alleged violations of the Federal Trade Commission Act, the Unfair Deceptive Acts or Practices Act, and the Dodd Frank Act. However, Ms. Butler fails to allege any facts to substantiate her claims. Instead of alleging facts to support her claims, under the "Statement of Claim" section of the form complaint, she states: "You have the letter that states the claim." Further, instead of requesting any specific relief, Ms. Butler states "I am leaving the judgment to the courts." These statements do not support a claim for relief that is plausible on its face. To the extent that Ms. Butler is seeking to refer back to her previous Complaint [2], I dismissed that Complaint on January 25, 2017. Therefore, it cannot serve as the operative pleading in this case.

For the reasons stated above, I must DISMISS the Amended Complaint [10] because it fails to state a claim upon which relief may be granted. My Order GRANTING leave to proceed *in forma pauperis* [6] is REVOKED.

IT IS SO ORDERED.

DATED this 6th day of March, 2017.

/s/ Michael W. Mosman

MICHAEL W. MOSMAN
Chief United States District Judge