

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

MELREE LAREA GLENN,

Case No. 3:17-cv-01317-AA

Plaintiff,

ORDER

v.

STATE OF OREGON; PORTLAND
POLICE BUREAU; GARY A.
GEBHARDT, Forensic Scientist,

Defendants.

AIKEN, District Judge:

Plaintiff, an inmate at Multnomah County Inverness Jail, filed this action pursuant to 42 U.S.C. § 1983 and was allowed to proceed in forma pauperis. However, plaintiff's Complaint was deficient and the court allowed plaintiff to file an amended complaint regarding his claims of false arrest and wrongful imprisonment on drug charges. Plaintiff has filed an Amended Complaint, and it remains deficient.

As plaintiff was advised previously, to state a claim for false arrest or wrongful imprisonment under 42 U.S.C. § 1983, plaintiff must allege facts showing that the defendants lacked probable cause to arrest and detain him for the charged offenses. *Cabrera v. City of*

Huntington Park, 159 F.3d 374, 380 (9th Cir.1998) (per curiam) (a plaintiff must show no probable cause in order to prevail on a § 1983 claim for false arrest and imprisonment). Here, plaintiff simply alleges that he was arrested “on pretences [sic] of attempted PCS of meth,” then “picked up by the State as possession of controlled substance meth,” and ultimately acquitted of the charges after trial by jury. Am. Compl. at 4 (ECF No. 6). Plaintiff does not allege facts showing that his arrest and detention lacked probable cause. Further, as plaintiff was advised, liability for civil rights violations under § 1983 arises only upon a showing of personal participation by each defendant. *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 1989). Again, plaintiff does not allege unlawful conduct on the part of any named defendant.

CONCLUSION

For these reasons, plaintiff's allegations fail to state a claim, and plaintiff has been afforded the opportunity to submit an amended complaint. Accordingly, this action is dismissed. IT IS SO ORDERED.

DATED this 14 day of November, 2017.



Ann Aiken
United States District Judge