

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**ANGELA NAILS,**

Plaintiff,

No. 3:21-cv-00220-MO

v.

OPINION AND ORDER

**BUREAU OF LABOR AND INDUSTRIES,**

Defendant.

**MOSMAN, J.,**

Plaintiff Angela Nails brings this action against Defendant Bureau of Labor and Industries. On March 19, 2021, I granted her application to proceed in forma pauperis, but I dismissed her complaint because it failed to state a claim on which relief may be granted. *See* Op. & Order [ECF 5]. I granted Ms. Nails leave to file an amended complaint, which had to include the following: (1) a short and plain statement of the grounds for the court's jurisdiction; (2) a short and plain statement that describes what Defendant did, when it did it, and why that action (or failure to act) violated her rights or broke the law; and (3) the law that entitles her to relief. *Id.* at 3–4. I explained that a complaint must provide sufficient allegations of underlying facts to give fair notice and to enable the opposing party to defend itself. *Id.* at 2.


Ms. Nails subsequently filed an Amended Complaint [ECF 6]. This complaint fails to comply with my prior order. Namely, it lacks a short and plain statement that describes what

Defendant did, when it did it, and why that action (or failure to act) violated her rights or broke the law. And it fails to identify the law that entitles her to relief. In her Amended Complaint, Ms. Nails vaguely alleges that Defendant has a duty to review and investigate complaints but impermissibly refused to review and investigate her complaint, incorrectly asserting that it lacked jurisdiction. Am. Compl. [ECF 6] at 1–2. She provides no details of the underlying complaint she made to Defendant or when she made it. She does not clearly identify the source of Defendant’s legal duty to review and investigate. She does not identify when Defendant refused to act. She broadly asserts that Defendant violated her constitutional rights, *id.* at 2, but she does not cite a specific constitutional right that was violated or the law that allows her to bring this claim. At bottom, Ms. Nails once again fails to provide sufficient allegations of underlying facts to give fair notice and to enable Defendant to defend itself. Her failure to do so is in direct violation of my prior order. Op. & Order [ECF 5] at 2–4.

Since I have already provided Ms. Nails with notice of her complaint’s deficiencies and an opportunity to amend, I DISMISS this case with prejudice for failure to state a claim on which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii); Fed. R. Civ. P. 8(a).

IT IS SO ORDERED.

DATED this 19<sup>th</sup> day of May, 2021.

  
MICHAEL W. MOSMAN  
United States District Judge