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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 JANE F. SULLIVAN,

9 Plaintiff,

NO. CV-06-3045-EFS

10 v.

11 STATE OF WASHINGTON and U.S.  
12 GOVERNMENT,

13 Defendants.

**ORDER DISMISSING  
PLAINTIFF'S COMPLAINT**

14 On September 6, 2005, Plaintiff Jane F. Sullivan filed what was  
15 construed by the Clerk of the Court to be a *pro se* civil complaint  
16 against the State of Washington. (CV-05-3088-EFS: Ct. Rec. 1.) As a  
17 result of that filing, a civil action (CV-05-3088-EFS) was opened in  
18 Plaintiff's name and assigned to this Court. *Id.* After reviewing  
19 Plaintiff's complaint in that action for legal and factual sufficiency,  
20 the Court determined Plaintiff's complaint was in violation of Federal  
21 Rule of Civil Procedure 8(a) because it failed to (1) state the grounds  
22 upon which the Court's jurisdiction was based, (2) explain why Plaintiff  
23 was entitled to relief, and (3) make a demand for relief. (CV-05-3088-  
24 EFS: Ct. Rec. 23.) For that reason, the Court did not permit Plaintiff  
25 to proceed against the State of Washington in Case No. CV-05-3088 based  
26 on the allegations contained in the original complaint. *Id.* Nonetheless,

ORDER ~ 1

1 because the Court determined it was not absolutely clear that amendment  
2 would be futile, Plaintiff was permitted to amend her complaint in Case  
3 No. CV-05-3088-EFS. *Id.* In response, on January 10, 2006, Plaintiff  
4 filed an amended complaint. (CV-05-3088-EFS: Ct. Rec. 27.)

5 After receiving Plaintiff's amended complaint, the Court conducted  
6 a second screening for legal and factual sufficiency. (CV-05-3088: Ct.  
7 Rec. 28.) Again, as was found with regard to the original complaint, the  
8 Court concluded the amended complaint did not comply with Rule 8(a)  
9 because it failed to (1) state the grounds upon which the Court's  
10 jurisdiction was based, (2) explain why Plaintiff was entitled to relief,  
11 and (3) make a demand for relief. *Id.* Because Plaintiff failed to file  
12 an amended complaint in compliance with Rule 8(a), the Court dismissed  
13 Case No. CV-05-3088-EFS. *Id.* Plaintiff appealed the dismissal to the  
14 Ninth Circuit Court of Appeals on January 23, 2006. (CV-05-3088: Ct. Rec.  
15 30.) This appeal is still pending.

16 On May 30, 2006, Plaintiff filed a document titled "(Complaint)  
17 Criminal" ("Complaint"), which lists the State of Washington and the U.S.  
18 Government as defendants. (Ct. Rec. 1.) This document was construed as  
19 a civil complaint and a new case was opened in Plaintiff's name (CV-06-  
20 3045-EFS). *Id.* Now, as it did in Case No. CV-05-3088-EFS and pursuant  
21 to 28 U.S.C. § 1915(e)(2), the Court screens Plaintiff's Complaint for  
22 factual and legal sufficiency.

23 Plaintiff's Complaint, in its entirety, states:

24 There has been so much abuse within case # CV-05-3088-efs to  
25 justify a criminal case where judicial branch of government can  
26 rely on the enclosed case and use it as a guide and give  
plaintiff relief also in criminal court in a separate action  
(in a criminal court.) So, give this criminal complaint  
another case number and call me into court as a person who has

1 been abused by known and unknown people (media, etc.), this  
2 will activate my civic action as possibly the only civic (class  
3 action) (jurisdiction in Yakima primarily as I am judiciary and  
4 am needed in other areas) also. Expedite this to respond as  
5 you would within 2 weeks.

6 *Id.*

7 Because, as is evident from the language restated above, Plaintiff's  
8 Complaint fails to (1) state the grounds upon which the Court's  
9 jurisdiction was based, (2) explain why Plaintiff is entitled to relief,  
10 and (3) make a demand for relief, the Court concludes the Complaint is  
11 legally insufficient under Rule 8(a) for the same reasons Plaintiff's  
12 complaints in Case No. CV-05-3088-EFS were deemed legally insufficient.

13 Unless it is absolutely clear that amendment would be futile, a *pro*  
14 *se* litigant must be given the opportunity to amend her complaint to  
15 correct any deficiencies. *Noll v. Carlson*, 809 F.2d 1446, 1448 (9th Cir.  
16 1987). Here, because the Court believes it is absolutely clear that  
17 amendment would be futile, Plaintiff is not granted the opportunity to  
18 amend her Complaint. This is because only United States Attorneys are  
19 permitted to file criminal actions in United States District Courts. 28  
20 U.S.C. § 547(1). Thus, because Plaintiff is not a United States  
21 Attorney, the Court concludes no amendment of Plaintiff's Complaint,  
22 which seeks to institute criminal proceedings, based on conduct related  
23 to the handling of Case No. 05-3088-EFS, would result in a legally  
24 sufficient complaint capable of attaining the relief, i.e. criminal  
25 sanctions, Plaintiff now seeks. For these reasons, the Court dismisses  
26 Plaintiff's Complaint.

Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's Complaint (Ct. Rec. 1) is **DISMISSED.**

1 2. The Clerk of the Court is directed to **ENTER JUDGMENT** in this case  
2 and **CLOSE THIS FILE**.

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter  
4 this Order and provide a copy to Plaintiff.

5 **DATED** this  21st  day of June 2006.

6  
7  s/ Edward F. Shea   
8 EDWARD F. SHEA  
9 United States District Judge

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