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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL E. JACKSON,

Plaintiff,

v.

ORVILLE B. MALLOTT, *et al.*,

Defendants.

CASE NO. C17-1521RSL

ORDER TO SHOW CAUSE

On October 6, 2017, plaintiff filed an application to proceed *in forma pauperis* and a proposed complaint. Dkt. # 1. Plaintiff alleges that an unidentified member of the Washington State Patrol negligently allowed defendant Orville B. Mallott to drive an unsafe vehicle on the roadways, causing injury to plaintiff. Plaintiff seeks an award of damages to compensate him for the injuries arising from defendants' negligence.

The Court, having reviewed the record as a whole under the standards articulated in 28 U.S.C. § 1915(e)(2) and having construed the allegations of the complaint liberally (see Bernhardt v. Los Angeles County, 339 F.3d 920, 925 (9th Cir. 2003)), finds that plaintiff's complaint is deficient. Plaintiff states that the Court has jurisdiction over this matter because he is asserting a claim under 42 U.S.C. § 1983. Plaintiff has not, however, identified an underlying constitutional right that was violated: "and depending on the right, merely negligent conduct may not be enough to state a claim." Daniels v.

ORDER TO SHOW CAUSE

1 Williams, 474 U.S. 327, 330 (1986).

2 For the foregoing reasons, plaintiff is hereby ORDERED TO SHOW CAUSE
3 why the complaint should not be dismissed for lack of subject matter jurisdiction and/or
4 failure to allege facts that give rise to a plausible inference that relief is warranted.
5 Plaintiff shall, within thirty (30) days of this order, file an amended complaint which
6 remedies the deficiencies set forth above. If an acceptable amended complaint is not
7 filed within the time proscribed, this action will be dismissed without prejudice.

8

9 The Clerk of Court is directed to note this Order to Show Cause on the Court's
10 calendar for Friday, December 29, 2017.

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12 Dated this 13th day of November, 2017.

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Robert S. Lasnik
United States District Judge

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