

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 WARREN P. KLINT,

CASE NO. C17-1622-JCC

10 Plaintiff,

MINUTE ORDER

11 v.

12 MOORE, Detective for King County
13 Sherriff's Office, RCO LEGAL PS,
14 DOUG FISHER, Realty Broker,
15 ALLISON JAMES ESTATES &
16 HOMES,

Defendants.

17 The following Minute Order is made by direction of the Court, the Honorable John C.
18 Coughenour, United States District Judge:

19 This matter comes before the Court on *sua sponte*. *Pro se* Plaintiff has been granted leave
20 to proceed *in forma pauperis* in this matter (Dkt. No. 3). The complaint was filed on October 31,
21 2017 (Dkt. No. 1). Summons has not yet been issued.

22 A plaintiff must "plead a short and plain statement of the claim showing that the pleader
23 is entitled to relief." Fed. R. Civ. P. 8(a)(2). This statement must be sufficient to "give the
24 defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests." *Conley*
25 *v. Gibson*, 355 U.S. 41, 47 (1957). A complaint may be dismissed as a matter of law if it lacks a
26 cognizable legal theory or states insufficient facts under a cognizable legal theory. *Robertson v.*

1 *Dean Witter Reynolds, Inc.*, 749 F.2d 530, 534 (9th Cir. 1984). A district court must dismiss a
2 case if it determines that an *in forma pauperis* complaint “fails to state a claim on which relief
3 may be granted” or “seeks monetary relief against a defendant who is immune from such relief.”
4 28 U.S.C. § 1915(e)(2)(B)(ii)–(iii). Section 1915(e) applies to all *in forma pauperis* proceedings,
5 not just those filed by prisoners. *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000).

6 Here, Plaintiff’s pleads claims under 42 U.S.C. § 1983, which is applicable only to state
7 or local officials for the “deprivation of any rights, privileges, or immunities secured by the
8 Constitution and federal laws.” Plaintiff fails to state how non-state defendants acted under color
9 of the law, as required for a section 1983 claim. Thus, he does not “state a claim upon which
10 relief can be granted” against Defendants RCO Legal, P.S., Doug Fischer, or Allison James
11 Estates and Homes. *See* 28 U.S.C. § 1915(e). Furthermore, Plaintiff does not plead sufficient
12 information in claim against state actor King County Sherriff’s Office and/or Detective Moore to
13 provide fair notice or to show he is entitled to relief. *See* Fed. R. Civ. P. 8(a)(2); *Conley*, 355
14 U.S. at 47.

15 Accordingly the Court ORDERS Plaintiff to show cause why this complaint should not
16 be dismissed. Plaintiff may do so by filing an amended complaint within **thirty (30) days** of the
17 issuance of this order. If Plaintiff fails to state sufficient facts to support a cognizable legal
18 theory, his complaint will be dismissed.

19 The Clerk shall send a copy of this order to Mr. Klint at 40017 S.E. 53rd Street,
20 Snoqualmie, WA 98065.

21 DATED this 6th day of November 2017.

22 William M. McCool
23 Clerk of Court

24 s/Tomas Hernandez
25 Deputy Clerk
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