THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WARREN P. KLINT, Plaintiff, v. MOORE, Detective for King County Sherriff's Office, RCO LEGAL PS, DOUG FISHER, Realty Broker, ALLISON JAMES ESTATES & HOMES, Defendants.	CASE NO. C17-1622-JCC ORDER

This matter comes before the Court *sua sponte*. On November 3, 2017, Plaintiff was granted leave to proceed *in forma pauperis*. (Dkt. No. 3.) On November 6, 2017, the Court reviewed Plaintiff's complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and determined that it failed to state a claim upon which relief could be granted. (Dkt. No. 5.) The Court directed Plaintiff to file an amended complaint within 30 days. (*Id*.) Plaintiff failed to amend his complaint. The Court therefore DISMISSES the complaint without prejudice and without further leave to amend.

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss an *in forma pauperis* complaint at any time if the action fails to state a claim, raises frivolous or malicious claims, or seeks monetary relief from a defendant who is immune from such relief. "[A] complaint must

contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Iqbal*, 556 U.S. at 678.

Plaintiff pleads a claim under 42 U.S.C. § 1983 for Defendants' "violation of constitutional and judicial rights . . . by violating appellate court procedures, including . . . Plaintiff's due process rights . . . ." (Dkt. No. 1-1 at 4.) He alleges that King County Sheriff's office" forcibly and illicitly" evicted him. (*Id.*) Plaintiff provides no further factual details as to why this eviction was "illicit" or how it violated his due process or other constitutional rights.

Plaintiff neither presents a cognizable legal theory nor offers sufficient facts to support his claim. Plaintiff does not sufficiently explain how non-state Defendants "acted under color of" of state or local law. *See* 42 U.S.C. § 1983. Nor does he plead sufficient information to allow for the reasonable inference that he is entitled to relief against King County Sherriff's Office. *See* Fed. R. Civ. P. 8(a)(2); *Iqbal*, 556 U.S. at 678.

For the foregoing reasons, Plaintiff's complaint is DISMISSED without prejudice and without further leave to amend. The Clerk is DIRECTED to close this case. The Clerk is further DIRECTED to mail a copy of this order to Plaintiff at the address listed on the docket.

DATED this 27th day of December 2017.

John C. Coughenour
UNITED STATES DISTRICT JUDGE