

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

JEFFREY A. TAYLOR,

Plaintiff,

v.

ALDRIDGE PITE, et. al.

Defendants.

Case No. 1:19-CV-323-BLW

**MEMORANDUM DECISION
AND ORDER**

INTRODUCTION

The Court has before it plaintiff's application to proceed without payment of fees. For the reasons explained below, the Court will deny the application and dismiss this case.

ANALYSIS

The Court is required to screen complaints brought by litigants who seek in forma pauperis status. *See* 28 U.S.C. § 1915(e)(2). Plaintiff's Complaint, or a portion thereof, will be dismissed if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief can be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(B)(i-iii). To state a claim upon which relief can be granted, plaintiff's Complaint must include facts sufficient to show a plausible claim for relief. *See Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009). During this initial

review, courts generally construe pro se pleadings liberally, giving pro se plaintiffs the benefit of any doubt. *See Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000).

Additionally, if amending the complaint would remedy the deficiencies, plaintiffs should be notified and provided an opportunity to amend. *See Jackson v. Carey*, 353 F.3d 750, 758 (9th Cir. 2003).

In his complaint, plaintiff essentially is appealing from a decision of the Ada County District Court, arguing that the District Judge and the attorneys conspired against him during a foreclosure action to evict him from the property. The complaint is long and very difficult to follow. It appears to be an appeal from the Ada County Judge's decision and does not contain any grounds for federal jurisdiction. The plaintiff fails to explain why he is unable to appeal that decision through the Idaho state courts.

In a decision filed September 24, 2019, the Court found the complaint to be frivolous and found that it fails to state a claim upon which relief can be granted. The Court granted the plaintiff ten days to file an amended complaint and identified in detail the issues that plaintiff needed to resolve in the amendments. Almost two months have gone by but plaintiff has not filed any proposed amendments. Consequently, the Court will deny the application to proceed in forma pauperis and dismiss this action.

ORDER

In accordance with the Memorandum Decision set forth above,

NOW THEREFORE IT IS HEREBY ORDERED, that the application to proceed

in forma pauperis (docket no. 1) is DENIED, and this action is DISMISSED. The Clerk shall close this case.



DATED: November 29, 2019

A handwritten signature in black ink, reading "B. Lynn Winmill". The signature is written in a cursive style with a horizontal line underneath it.

B. Lynn Winmill
U.S. District Court Judge