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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY DOMINICK,  
Plaintiff,  
v.  
KAMALA D. HARRIS, et al.,  
Defendants.

Case No. [4:17-cv-04485-KAW](#)

**REPORT AND RECOMMENDATION  
TO DISMISS COMPLAINT WITH  
LEAVE TO AMEND; ORDER  
REASSIGNING CASE TO A DISTRICT  
JUDGE**

Re: Dkt. No. 1

The Court has received plaintiff's complaint and application to proceed *in forma pauperis*, both filed in this Court on August 7, 2017. The Court may authorize a plaintiff to file an action in federal court without prepayment of fees or security if the plaintiff submits an affidavit showing that he or she is unable to pay such fees or give security therefor. 28 U.S.C. § 1915(a). The in forma pauperis statute also provides that the Court shall dismiss the case if at any time the Court determines that the allegation of poverty is untrue, or that the action (1) is frivolous or malicious, (2) fails to state a claim on which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). Plaintiff's IFP application was denied with leave to amend. (Dkt. No. 9.)

It is impossible to discern from plaintiff's complaint any of the essential details of the events that triggered plaintiff's lawsuit, or the legal theories under which he seeks relief against each named defendant. At first blush, Plaintiff appears to challenge the impounding of his vehicle by the California Highway Patrol, and the state laws obligating him to register his vehicle and to have a valid driver's license to operate a motor vehicle. Plaintiff, however, has failed to set forth "a short and plain statement of the claim showing that the pleader is entitled to relief" as required by Rule 8 of the Federal Rules of Civil Procedure. Plaintiff has not consented to the undersigned, so, pursuant to its authority under 28 U.S.C. § 1915(e)(2), the Court REASSIGNS this case to a district judge and RECOMMENDS that Plaintiff's complaint be dismissed with leave to amend,

United States District Court  
Northern District of California

United States District Court  
Northern District of California

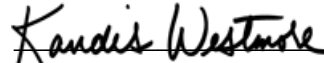
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and that he be ordered to file an amended complaint no later than **October 9, 2017** or the case may be dismissed with prejudice. In amending his complaint, Plaintiff may wish to obtain assistance from the Federal Pro Bono Project’s Help Desk—a free service for pro se litigants—by calling (415) 782-8982.

Any party may file objections to this report and recommendation with the district judge within 14 days of being served with a copy. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); N.D. Civil L.R. 72-3. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. *IBEW Local 595 Trust Funds v. ACS Controls Corp.*, No. C-10-5568, 2011 WL 1496056, at \*3 (N.D. Cal. Apr. 20, 2011).

IT IS SO RECOMMENDED.

Dated: August 25, 2017

  
KANDIS A. WESTMORE  
United States Magistrate Judge