

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Jude David Smith v. Shoreline Apartments, et al.

Smith v. Shoreline Apartments · No. 25-cv-10889-WHO · Decided January 22, 2026

SUMMARY

The United States District Court for the Northern District of California granted Jude David Smith’s application to proceed in forma pauperis. The court dismissed his complaint for failure to state a claim under 28 U.S.C. § 1915(e), with leave to amend within 30 days, and directed him to provide clearer claims, supporting facts, and jurisdictional allegations.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	William H. Orrick
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 22, 2026
DOCKET	25-cv-10889-WHO
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff moved to proceed in forma pauperis and filed a complaint alleging that Shoreline Apartments denied him housing because of homelessness and mental-health disabilities. The district court granted in forma pauperis status, screened the complaint sua sponte, dismissed it for failure to state a claim, and granted leave to amend.
STANDARD OF REVIEW	Sua sponte screening under 28 U.S.C. § 1915(e)(2); the court must dismiss an in forma pauperis action that is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The complaint must also satisfy Federal Rule of Civil Procedure 8.
PRECEDENTIAL VALUE	district court order; precedential status not stated
PARTIES	Jude David Smith v. Shoreline Apartments, et al.

TOPICS

- motions to dismiss
- pleadings
- civil procedure
- subject matter jurisdiction
- ada / disability

PRACTICE AREAS

civil procedure

civil rights

housing discrimination

disability discrimination

QUESTIONS PRESENTED

1. Whether Smith qualified to proceed in forma pauperis based on his reported income, expenses, assets, and debts.
2. Whether the complaint stated a claim for relief under the pleading requirements of Federal Rule of Civil Procedure 8 and survived screening under 28 U.S.C. § 1915(e)(2).
3. Whether Smith should be given leave to amend after dismissal of the deficient complaint.

HOLDINGS

1. Smith qualified to proceed in forma pauperis because the court was satisfied from his reported income, expenses, assets, and debts that he could not pay the filing fee.
2. The complaint failed to state a claim because it did not provide a short and plain statement showing that Smith was entitled to relief and did not allege facts establishing the elements of any claim against Shoreline Apartments.
3. The complaint was dismissed with leave to amend, and Smith was directed to file any amended complaint within 30 days.

KEY QUOTATIONS

“However, Smith has failed to state a claim on which relief may be granted, requiring dismissal of the complaint under 28 U.S.C. § 1915(e).” (at 1)

“A complaint filed by a plaintiff proceeding in forma pauperis is subject to a sua sponte review by the court.” (at 1)

“The complaint does not articulate a short and plain statement showing that Smith is entitled to the relief that he seeks.” (at 2)

“Smith’s complaint is therefore DISMISSED with leave to amend. Any amended complaint is due within 30 days of the issuance of this Order.” (at 3)

FACTUAL BACKGROUND

Smith alleged that he paid \$40 to apply for a Section 8 low-income apartment at Shoreline Apartments in Alameda, California. He alleged that he had an “A” credit score and no criminal record but was denied residence because of his homelessness status and mental-health disabilities. He sought one million dollars in damages and alleged no additional facts.

PROCEDURAL HISTORY

Smith filed a complaint and an application to proceed in forma pauperis. The district court found that he could not pay the filing fee, granted the application, and then reviewed the complaint under 28 U.S.C. § 1915(e). The

court concluded that the complaint did not provide a short and plain statement of a claim or facts establishing the elements of any claim, dismissed the complaint with leave to amend, and ordered any amended complaint filed within 30 days.

DISPOSITION

dismissed

CASES CITED

- Kelman, 773 F.2d 1026, 1027 n.1 (9th Cir. 1985) (en banc)
- Ivey v. Bd. of Regents of Univ. of Alaska, 673 F.2d 266, 268 (9th Cir. 1982)

OPINION

Jude David Smith v. Shoreline Apartments, et al.

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 JUDE DAVID SMITH, Case No. 25-cv-10889-WHO 8 Plaintiff,

ORDER GRANTING IN FORMA

9 v. PAUPERIS APPLICATION AND

DISMISSING COMPLAINT WITH

10 SHORELINE APARTMENTS, et al., LEAVE TO AMEND

11 Defendants. Re: Dkt. No. 3 12 Pro se plaintiff Jude David Smith has filed a complaint and
motion for leave to proceed in 13 forma pauperis. Dkt. Nos. 1, 3. The motion to proceed in forma
pauperis is GRANTED. 14 However, Smith has failed to state a claim on which relief may be
granted, requiring dismissal of 15 the complaint under 28 U.S.C. § 1915(e). I will give Smith the
opportunity to amend his 16 complaint and correct the deficiencies, which are detailed below. 17 A
district court may allow a plaintiff to proceed in form pauperis if it determines that he 18 cannot
pay the filing fees needed to pursue the action. 28 U.S.C. § 1915(a)(1). Based on Smith's 19
reported income, expenses, assets and debts, I am satisfied that he is unable to pay the filing fee.
20 See Dkt. No. 3. His application to proceed in forma pauperis is therefore GRANTED. 21 A
complaint filed by a plaintiff proceeding in forma pauperis is subject to a sua sponte 22 review by
the court. See 28 U.S.C. § 1915(e)(2). The court "shall dismiss the case" if it 23 determines that
the action is frivolous or malicious, fails to state a claim on which relief may be 24 granted, or
seeks monetary relief against a defendant who is immune from such relief. Id. 25 Federal Rule of
Civil Procedure 8 requires a "short and plain statement of the claim 26 showing that the pleader is
entitled to relief." "Each allegation must be simple, concise, and 27 direct." Fed. R. Civ. P. 8(d)(1).
Where a plaintiff is proceeding pro se, the court has an obligation] Kelman, 773 F.2d 1026, 1027

n.1 (9th Cir. 1985) (en banc). However, pro se pleadings must still 2 |} allege facts sufficient to allow a reviewing court to determine whether a claim has been stated. 3 |} lvey v. Bd. of Regents of Univ. of Alaska, 673 F.2d 266, 268 (9th Cir. 1982). 4 The complaint alleges that Smith paid \$40 to apply for a Section 8, low income, apartment 5 at Shoreline Apartments in Alameda, California. Complaint [Dkt. No. 1] at 2. He alleges that he 6 |} has an “A” credit score and no criminal record but was still denied residence at the apartment 7 |} complex because of his homelessness status and his mental health disabilities. Id. He seeks one 8 |} million dollars in damages. /d. Smith alleges no additional facts. 9 The complaint does not articulate a short and plain statement showing that Smith is entitled 10 |} to the relief that he seeks. Stated simply, Smith asserts no claim against Shoreline Apartments and 11 does not allege any elements of how any such claim would be met. 12 For Smith’s complaint to proceed, he must file an amended complaint that clearly 13 articulates: (1) the claim (or claims) he asserts and (2) factual allegations showing how the 14 |} elements of that claim (or claims) are met. He should also allege facts showing that I have 3 |} jurisdiction over the matter—either via federal question jurisdiction or diversity jurisdiction. a 16 As Mr. Smith’s complaint is severely lacking in the requirements outlined by the Federal 17 |} Rules of Civil Procedure, I recommend that he seek free limited legal assistance from the Court’s Zz 18 |} Legal Help Desk by calling the appointment line at (415) 782-8982 or emailing fedpro@sfbarr.org. 19 |} Appointments are available both in-person at the San Francisco and Oakland courthouses or 20 |} remotely by Zoom or telephone. The Legal Help Desk provides the opportunity to speak with an 21 attorney who will provide basic legal help, but not legal representation. Smith may also find the 22 Northern District of California’s Pro Se Handbook to be of use, available online at 23 <https://cand.uscourts.gov/representing-yourself/pro-se-handbook>. 24 Smith’s complaint is therefore DISMISSED with leave to amend. Any amended complaint 25 is due within 30 days of the issuance of this Order.

26 IT IS SO ORDERED. . \

27 Dated: January 22, 2026 illiam H. Orrick 28 United States District Judge