

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.

OPINION

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.

Jd. 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@sfbar.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