

**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

OPINION

Jude David Smith v. Shoreline Apartments, et al.

PER CURIAM.

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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@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