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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVID ROWLAND MANUEL,  
Plaintiff,  
v.  
THE UNITED STATES,  
Defendant.

Case No. 23-cv-02302-SK

**SCREENING ORDER**

Regarding Docket Nos. 1, 2, 3

Plaintiff David Rowland Manuel (“Plaintiff”) filed a complaint, an application to proceed *in forma pauperis*, and a motion for priority of case. (Dkt. Nos. 1, 2.) The Court HEREBY GRANTS the application to proceed *in forma pauperis*, DENIES the motion for priority of case, and orders a HOLD on the service of the complaint. The Court has reviewed the complaint and finds that it fails to state a claim on which relief may be granted pursuant to 28 U.S.C. § 1915(e). Plaintiff may file an amended complaint addressing the deficiencies described in this Order no later than **June 23, 2023**.

**BACKGROUND**

Plaintiff brings this cause of action with a request to the Court to issue an injunction and order that Plaintiff need not provide his Social Security Number to property management companies when applying for housing. (Dkt. No. 1) Plaintiff additionally requests a grant deed from the U.S. Department of Housing and Urban Development to “obtain any type of housing” of Plaintiff’s choice in Southern California. (*Id.* at 8.) Plaintiff explicitly states “[t]his is a petition of general request and there are no allegations of any kind that are involved with this petition.” (*Id.* at 3.) Plaintiff does not list any specific case or controversy, or any damages or injury he has faced. Instead, Plaintiff states he wishes not to disclose his social security number due to the fear of possible identity theft. (*Id.* at 3.) Plaintiff lists Title 5 USC Section 552a (“the Privacy Act”) as

1 a source of his right to privacy. However, the Privacy Act does not create a private right of action  
 2 without allegations that the law was violated. *See United States v. Deuerling*, 210 F. Supp. 3d  
 3 717, 725 (W.D. Pa. 2016). Plaintiff does not allege any violation of law.

#### 4 DISCUSSION

5 Federal courts are courts of limited jurisdiction, and a “federal court is presumed to lack  
 6 jurisdiction in a particular case unless the contrary affirmatively appears.” *Stock W., Inc. v.*  
 7 *Confederated Tribes*, 873 F.2d 1221, 1225 (9th Cir. 1989) (citations omitted). A plaintiff must  
 8 have standing to appear in federal court. Standing addresses “the constitutional requirement that a  
 9 Plaintiff allege a case or controversy.” *Johnson v. Nissan N. Am., Inc.*, 272 F. Supp. 3d 1168,  
 10 1173 (N.D. Cal. 2017). In order to have standing, a plaintiff must show: “(1) it has suffered an  
 11 ‘injury in fact’ that is (a) concrete and particularized and (b) actual or imminent, not conjectural or  
 12 hypothetical; (2) the injury is fairly traceable to the challenged action of the defendant; and (3) it is  
 13 likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.”  
 14 *California Sea Urchin Comm'n v. Bean*, 883 F.3d 1173, 1180 (9th Cir. 2018), as amended (Apr.  
 15 18, 2018) (quoting *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.*, 528 U.S. 167,  
 16 180–81, 120 S.Ct. 693, 145 L.Ed.2d 610 (2000).) Plaintiff has not adequately pled standing in this  
 17 case, as he has not pointed to any injury nor traced the injury to the Defendant. The only potential  
 18 injury Plaintiff points to is a concern that he may be subject to identity theft in the future if he  
 19 shares his social security number. This injury is speculative at best.

20 Plaintiff specifically stated that he was making no allegations in his Complaint but was  
 21 instead making a general request. Federal Courts are not forums for general requests and cannot  
 22 issue advisory opinions where standing is not met. *In re Dumont*, 581 F.3d 1104, 1112 n.14 (9th  
 23 Cir. 2009). The District Court cannot adjudicate an abstract legal issue where there is no actual  
 24 controversy or injury at stake.

25 For purposes of 28 U.S.C. § 1915, a frivolous claim is one that lacks an arguable basis in  
 26 either law or fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Dismissal on these grounds is  
 27 often ordered *sua sponte* prior to the issuance of service of process to spare prospective defendants  
 28 the inconvenience and expense of answering such complaints. *Id.* at 1831. Where a litigant is

1 acting *pro se* and the Court finds the litigant’s complaint is frivolous within the meaning of 28  
2 U.S.C. § 1915(e)(2), the Court must give the litigants notice of the deficiencies of the complaint  
3 and an opportunity to amend unless it is clear that the deficiencies could not be cured by  
4 amendment. *Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 2012).

5 **CONCLUSION**

6 For the reasons stated above, the Court finds that the complaint fails to state a claim  
7 pursuant to 28 U.S.C. § 1915(e). Plaintiff must file a first amended complaint addressing the  
8 deficiencies identified in this order by June 23, 2023. Failure to do so will result in a  
9 recommendation that the action be dismissed.

10 The Court ADVISES Plaintiff that the district court has produced a guide for *pro se*  
11 litigants called Representing Yourself in Federal Court: A Handbook for *Pro Se* Litigants, which  
12 provides instructions on how to proceed at every stage of your case, including discovery, motions,  
13 and trial. It is available electronically online ([https://www.cand.uscourts.gov/wp-](https://www.cand.uscourts.gov/wp-content/uploads/2020/02/Pro_Se_Handbook_2020ed_links_12-2021_MBB.pdf)  
14 [content/uploads/2020/02/Pro\\_Se\\_Handbook\\_2020ed\\_links\\_12-2021\\_MBB.pdf](https://www.cand.uscourts.gov/wp-content/uploads/2020/02/Pro_Se_Handbook_2020ed_links_12-2021_MBB.pdf)) or in hard copy  
15 free of charge from the Clerk’s Office. The Court additionally has a website with resources for  
16 *pro se* litigants (<https://www.cand.uscourts.gov/pro-se-litigants/>). The Court further advises  
17 Plaintiff that he also may wish to seek assistance from the Legal Help Center. Plaintiff may call  
18 the Legal Help Center at 415-782-8982 or email [fedpro@sfbar.org](mailto:fedpro@sfbar.org) for a free appointment with an  
19 attorney who may be able to provide basic legal help, but not legal representation.

20 **IT IS SO ORDERED.**

21 Dated: May 16, 2023

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23 SALLIE KIM  
24 United States Magistrate Judge  
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