

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SANTEE MACK : CIVIL ACTION
 :
 v. :
 :
 JUDICIAL BRANCH : NO. 98-155

MEMORANDUM

R.F. KELLY, J.

JANUARY 23, 1998

On January 13, 1998, the Plaintiff Santee Mack filed a second Civil Rights Action against the "Judicial Branch". The first action filed by the present Plaintiff was styled Santee Mack v. Law Enforcers in Judicial Branch, Civil Action No. 97-8136. That action was dismissed by Order of this Court dated January 8, 1998 when this Court refused to allow the complaint to be filed in forma pauperis.

Based upon the affidavit in support of his request to proceed in forma pauperis in this second action, I find that he is apparently without funds and therefore his request to proceed in forma pauperis is Granted.

On the case designation form, Plaintiff marked the space next to "Civil Rights" to identify the type of case. A complaint must contain a short and plain statement of the claim showing that the pleader is entitled to relief and it must contain a demand for judgment for the relief the pleader seeks. Rule 8 Fed.R.Civ.P. The entire complaint filed in this case contains the following:

I was dehumanized on State Road property. A Social Worker Giles won't mail me another copy of a grievance. My morales are corrupted.

The complaint also contains the signature of the

Plaintiff.

Plaintiff as a pro se litigant is entitled to some latitude. The complaint as written, however, states no facts to support any claim that conceivably would constitute a violation of Plaintiff's constitutional rights. The court further points out to Plaintiff that the Defendant designated as "Judicial Branch" is not a proper defendant. See Braverman v. Lachman, 1991 WL 61122, 1-2 (ED.Pa. April 16, 1991) where the complaint that did not contain factual allegations to support it was dismissed as frivolous. Accordingly, the complaint must be dismissed as frivolous. 28 U.S.C. § 1915 (D).

Plaintiff will be given leave to amend the complaint by February 15, 1998.

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O R D E R

AND NOW, this 23rd day of January, 1998, it is hereby
ORDERED that:

1. Since it appeared that Plaintiff is unable to pay the costs of this suit, leave is Granted to Proceed In Forma Pauperis.
2. Leave is Granted to amend the complaint by February 15, 1998.
3. The Complaint is Dismissed as frivolous, 28 U.S.C. § 1915(d).

BY THE COURT:

Robert F. Kelly,

J.