



Carson, Jr. v. Google Hackers et al

2021 | Cited 0 times | N.D. New York | October 12, 2021

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

THOMAS CARSON, JR., Plaintiff, 6:21-CV-965 v.
(TJM/TWD) GOOGLE HACKERS, CIA HANDLER, Defendants.

APPEARANCES: THOMAS CARSON, JR.
Plaintiff, pro se 1535 Broadway Schenectady, New York 12306 THÉRÈSE WILEY DANCKS, United
States Magistrate Judge

ORDER AND REPORT-RECOMMENDATION Thomas Carson, Jr. (collectively, s Plaintiff
concurrently filed an application

to proceed in forma pauperis He also filed a motion to appoint counsel. (Dkt. No. 3.)

With respect to his IFP Application, a court may grant in forma pauperis status if a party .C. §
1915(a)(1). After s IFP Application (Dkt. No. 2), the Court finds Plaintiff meets this standard.
Therefore, his IFP Application is granted. 1

Turning to his complaint, Plaintiff appears to assert hackers infiltrated his email in March 2020, and
stole personal information from his computer. (See generally, Dkt. No. 1; Dkt. No. 1 at 2.) Plaintiff a
victim of government experiments and torture. Id. at 2-3. and artificial Id. at 4.

The Court is mindful that a pro se litigant s pleadings are held to a less strict standard than attorney
drafted pleadings. See Fed. Express Corp. v. Holowecki, 552 U.S. 389, 402 (2008) pro se litigants are
held to a lesser pleading standard than o However, the current status of complaint is so convoluted
and difficult to interpret that the Court cannot accept it as filed.

Rule 8 of the Federal Rules of Civil Procedure provides that a pleading must contain:

(1) a short jurisdiction . . . ;

(2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a
demand for the relief sought, which may include relief in the alternative or different types of relief.
Fed. R. Civ. P. 8(a). Rule 8 permit the adverse party the opportunity to file a responsive answer [and]
prepare an adequate Hudson v. Artuz, 1998 WL 832708, at *1 (S.D.N.Y. Nov. 30, 1998) (quoting Powell
v.



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1 Plaintiff should note that, although his application to proceed in forma pauperis has been granted, he will still be required to pay fees that he may incur in this action, including copying and/or witness fees. *Marine Midland Bank*, 162 F.R.D. 15, 16 (N.D.N.Y. 1995)). Moreover, Rule 10 of the Federal Rules of Civil Procedure provides, in part:

(b) Paragraphs; Separate Statements. A party must state its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances. . . . Fed. R. Civ. P. 10(b). Rule 10 provide an easy mode of identification for *Sandler v. Capanna*, 1992 WL 392597, at *3 (E.D. Pa. Dec. 17, 1992) (citation omitted).

A complaint that does not

by the court. *Gonzales v. Wing* usually reserved for those cases in which the complaint is so confused, ambiguous, vague, or otherwise unintelligible that its true substance, if any, is well disorganized. *Artuz*, 1998 WL 832708, at *2 (internal quotation marks omitted).

Here, the Court recommends the complaint be dismissed because it is not acceptable under Rules 8 and 10 of the Federal Rules of Civil Procedure and Plaintiff's claims are entirely unclear. However, considering his pro se status, the Court further recommends Plaintiff be given one opportunity to amend the complaint to comply with the basic pleading requirements set forth above. See *Simmons v. Abruzzo*, 49 F.3d 83, 86-87 (2d Cir. 1995).

Plaintiff has also filed an application for appointment of counsel. (Dkt. No. 3.) However, Plaintiff failed to demonstrate why he is entitled to appointment of counsel at this

did not list with whom he spoke. *Id.* Thus, it is unclear if he has even attempted to secure pro bono counsel related to this action. *Id.* As such as premature. See *Terminate Control Corp. v. Horowitz*, 28 F.2d 1335 (2d Cir. 1994). Plaintiff may renew his application for appointed counsel if he can demonstrate he has attempted to find pro bono counsel on his own and if he can establish why he is entitled to such assistance. ACCORDINGLY, it is

ORDERED that Plaintiff's IFP Application (Dkt. No. 2) is GRANTED solely for purposes of initial review; and it is further

ORDERED DENIED with leave to renew; and it is further

RECOMMENDED that Plaintiff's complaint (Dkt. No. 1) be DISMISSED WITH LEAVE TO AMEND, and it is further

ORDERED that the Clerk provide Plaintiff with a copy of this Order and Report- Recommendation along with a copy of the unpublished decisions cited herein in accordance with s decision in *Lebron*



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v. Sanders, 557 F.3d 76 (2d Cir. 2009) (per curiam).

Pursuant to 28 U.S.C. § 636(b)(1), the parties have fourteen days within which to file written objections to the foregoing report. 2

Such objections shall be filed with the Clerk of the Court. FAILURE TO OBJECT TO THIS REPORT WITHIN FOURTEEN DAYS WILL PRECLUDE APPELLATE REVIEW. Roldan v. Racette, 984 F.2d 85 (2d Cir. 1993) (citing

2 If you are proceeding pro se and are served with this Order and Report-Recommendation by mail, three additional days will be added to the fourteen-day period, meaning that you have seventeen days from the date the Order and Report-Recommendation was mailed to you to serve and file objections. Fed. R. Civ. P. 6(d). If the last day of that prescribed period falls on a Saturday, Sunday, or legal holiday, then the deadline is extended until the end of the next day that is not a Saturday, Sunday, or legal holiday. Fed. R. Civ. 6(a)(1)(C). , 892 F.2d 15 (2d Cir. 1989)); 28 U.S.C. § 636(b)(1) (Supp. 2013); Fed. R. Civ. P. 72, 6(a).

Dated: October 12, 2021 Syracuse, New York

Footnotes 1 Plaintiff is presently incarcerated at Sullivan Correctional Facility. 2 Rule 10 states:

(b) Paragraphs; Separate Statements. All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth. End of Document © 2021 Thomson Reuters. No claim to original U.S. Government Works.

Footnotes

1 Sandler has sent a letter to the Court, urging that Capanna's motion be denied. There is no indication,

however, that this document was filed with the Clerk of Court or served upon opposing counsel, as required by Fed.R.Civ.P. 5(a), (d) and (e). Therefore, I will not consider it as a responsive pleading. 2 Sandler alleges that the School is open to all ages, not just to children. End of Document © 2021 Thomson Reuters. No claim to original U.S. Government Works.

