

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SEP 17 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MIKE VIGIL,

Plaintiff-Appellant,

v.

U.S. DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,

Defendant-Appellee.

No. 20-15909

D.C. No.
2:19-cv-00948-RFB-DJA
District of Nevada,
Las Vegas

ORDER

Before: O'SCANLAIN, RAWLINSON, and CHRISTEN, Circuit Judges.

A review of the record and the opening brief indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See* *United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (stating standard).

Accordingly, we grant appellee's motion for summary affirmance (Docket Entry No. 9) and summarily affirm the district court's judgment.

AFFIRMED.

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAN 11 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MIKE VIGIL,

Plaintiff-Appellant,

v.

U.S. DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,

Defendant-Appellee.

No. 20-15909

D.C. No.
2:19-cv-00948-RFB-DJA
District of Nevada,
Las Vegas

ORDER

Before: O'SCANLAIN, RAWLINSON, and CHRISTEN, Circuit Judges.

Appellant's motion for reconsideration (Docket Entry No. 14) is denied.

No further filings will be entertained in this closed appeal.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MIKE VIGIL

Case No. 2:19-cv-00948-RFB-DJA

Plaintiff(s),

ORDER

v.

HUD WASHINGTON D.C.;

Defendant(s).

I. INTRODUCTION

Before the Court is Defendant HUD Washington D.C.'s Motion to Dismiss. ECF No. 5. For the following reasons, the Court grants the motion.

II. PROCEDURAL BACKGROUND

Plaintiff filed his complaint on June 4, 2019. Defendant moved to dismiss the complaint on August 5, 2019. ECF No. 5. A response was filed. ECF No. 8.

II. DISCUSSION

Plaintiff Mike Vigil, who is pro se, alleges as follows: Vigil is a veteran who was rated as totally and permanently disabled on March 15, 1990. Plaintiff subsequently became eligible for a Housing Choice Voucher with HUD. Plaintiff alleges that he has since experienced shifting income levels and has not received proper income subsidies from HUD. Plaintiff attaches numerous documents including utility bills, news articles, and a document revealing the results of an informal hearing before the Southern Nevada Regional Housing Authority in 2019. The hearing concluded that there had been no error in the way in which the Southern Nevada Regional Housing Authority had calculated Virgil's income and subsidy amount and dismissed the grievance.

A pro se complaint must be “held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89 (2007) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106

1 (1976)) (internal citations and quotation marks omitted); see also *Butler v. Long*, 752 F.3d 1177,
2 1180 (9th Cir. 2014). However, a pro se plaintiff is still bound to follow the rules of civil
3 procedure. *Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995). The Rules of Civil Procedure require
4 that a plaintiff give a short and plain statement of the claim showing that the pleader is entitled to
5 relief. Fed. R. Civ. P. 8. While a complaint may not be dismissed for length alone, complaints that
6 are needlessly long, highly repetitious, confused, or consist of incomprehensible rambling have all
7 been held to be complaints that violate Rule 8 and that warrant dismissal. *Cafasso v. Gen. Dynamics*
8 *C4 Sys, Inc.*, 637 F.3d 1047, 1059 (9th Cir. 2011) (internal citations omitted).

9 The Court finds that Plaintiff's complaint in this case exactly the kind of complaint that
10 warrants dismissal pursuant to *Cafasso*. The complaint is seventy-nine pages long and never
11 articulates a clear claim for relief. The Court therefore dismisses the complaint.

12 **IT IS THEREFORE ORDERED** that Defendant's Motion to Dismiss (ECF No.5) is
13 GRANTED. The Court dismisses the complaint with prejudice and instructs the Clerk of the Court
14 to close the case.

15
16 DATED April 28, 2020.

17
18 
19 RICHARD F. BOULWARE, II
20
21 UNITED STATES DISTRICT JUDGE
22
23
24
25
26
27
28

**Additional material
from this filing is
available in the
Clerk's Office.**