

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ANTUAN PULLIAM,

Petitioner,

v.

UNITED AUTO WORKERS,

Respondent.

ORDER

04-C-123-C

Petitioner Antuan Pulliam, a resident of Beloit, Wisconsin, seeks leave to proceed in forma pauperis in this civil action. In his complaint, petitioner alleges that defendant United Auto Workers refused to prosecute his grievance because of his race and in retaliation for complaining about racial harassment. Although petitioner does not identify a jurisdictional basis for his claim, I understand him to contend that respondent breached its duty of fair representation under the National Labor Relations Act, 29 U.S.C. § 158. See Vaca v. Sipes, 386 U.S. 171 (1967) (recognizing cause of action under § 158 when union's conduct is arbitrary, discriminatory or in bad faith).

In petitioner's affidavit of indigency, he states that he is unemployed, has no source of income and no money in a checking or savings account. He has two dependents, no

substantial assets and \$2500 of debt. Accordingly, I conclude that petitioner qualifies for indigent status.

However, I cannot allow petitioner to proceed because he has failed to specify in his complaint what kind of relief he seeks from this court for respondent's alleged violations of his rights. The nature of the relief petitioner seeks is important to a determination of the type of claim a litigant is presenting. Fed. R. Civ. P. 8(a)(3) requires that a complaint contain "a demand for judgment for the relief the pleader seeks." In the section of his complaint titled "Request for Relief," petitioner states only, "I ask that the court allow me to proceed with this case." This is not sufficient to meet the requirements of Rule 8. Petitioner must specify what relief he wishes to obtain from this lawsuit, such as a particular amount of money damages or an injunction. Because petitioner's complaint does not conform to the requirements of Rule 8, his request for leave to proceed in forma pauperis will be denied without prejudice to his refiling his complaint with the requisite request for relief.

ORDER

IT IS ORDERED that petitioner's request for leave to proceed in forma pauperis is DENIED without prejudice to his refiling his complaint in the form required by Fed. R. Civ.

P. 8.

Entered this 5th day of March, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge