

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

RICHARD M. WANDA,

Plaintiff,

vs.

UAA OFFICE of FINANCIAL AID, et  
al.,

Defendants.

Case No. 3:08-cv-00116-TMB

INITIAL ORDER TO SELF-  
REPRESENTED PLAINTIFFS

On May 16, 2008, Richard M. Wanda, representing himself, filed a civil complaint ostensibly under federal civil rights laws.<sup>1</sup> Mr. Wanda has paid the filing fee in this case, summonses have been issued, and Mr. Wanda has filed returns of service on the defendants.<sup>2</sup>

The Court liberally construes a self-represented plaintiff's pleadings, and gives the plaintiff the benefit of any doubt.<sup>3</sup> Mr. Wanda is, therefore, cautioned that as a

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<sup>1</sup> See Docket No. 1.

<sup>2</sup> See Docket Nos. 3-8.

<sup>3</sup> See *Wolfe v. Strankman*, 392 F.3d 358, 362 (9th Cir. 2004) (“We construe the complaint liberally because it was drafted by a pro se plaintiff.”).

federal court, this Court is one of limited, as opposed to general, jurisdiction; it has authority to hear only specified classes of cases. It is Mr. Wanda's burden, as the plaintiff, to establish that this Court has jurisdiction to hear the claims.<sup>4</sup> “To sustain a claim under § 1983, a plaintiff must show (1) that the conduct complained of was committed by a person acting under color of state law; and (2) that the conduct deprived the plaintiff of a constitutional right.”<sup>5</sup>

Although Mr. Wanda complains that his civil rights were violated, he has not indicated that a specific Constitutional right was violated. Mr. Wanda states that his “equal education rights” were violated.<sup>6</sup> However, the Court is unaware of any specific federal constitutional right to education.<sup>7</sup> Instead, Mr. Wanda appears to be

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<sup>4</sup> See *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 377 (1994); *Hunter v. Kalt*, 66 F.3d 1002, 1005 (9th Cir. 1995).

<sup>5</sup> *Balistreri v. Pacifica Police Dept.*, 901 F.2d 696, 699 (9th Cir. 1990) (citations omitted).

<sup>6</sup> See Docket No. 1 at 3.

<sup>7</sup> See *San Antonio Independent School Dist. v. Rodriguez*, 411 U.S. 1 (1973) (“Education, of course, is not among the rights afforded explicit protection under our Federal Constitution. Nor do we find any basis for saying it is implicitly so protected”); *Lewis v. Casey*, 518 U.S. 343, 374 (1996) (“Because the respondents in *Rodriguez* had not shown that ‘the children in districts having relatively low assessable property values are receiving *no* public education,’ but rather claimed only that ‘they are receiving a poorer quality education than that available to children in districts having more assessable wealth,’ [*Rodriguez* at 28] (emphasis added) we held that the ‘Texas system does not operate to the peculiar disadvantage of any suspect class.’ *id.* at 29. ... and that, ‘at least where wealth is involved, the Equal Protection Clause does not require absolute equality or precisely equal advantages.’ *id.* at 24.”).

in a dispute with the University of Alaska over student loans.

Mr. Wanda is cautioned that, if the defendants litigate this action, and the Court ultimately finds in their favor, he may be responsible for reasonable costs and attorney's fees.<sup>8</sup>

**IT IS HEREBY ORDERED:**

1. Mr. Wanda may file the enclosed notice of voluntary dismissal, without prejudice, on or before **June 18, 2008**. The defendants may wait to file an answer, or other responsive pleading, until between **June 19 - June 30, 2008**.
2. The Clerk of Court is directed to send form PS09, Notice of Voluntary Dismissal, to Mr. Wanda with this Order.
3. All papers to be filed with the Court must be identified with the name of the Court, Case No. 3:08-cv-00116-TMB, the names of the plaintiff and the first defendant, and the title of the document, as illustrated on the first page of this Order.
4. Mr. Wanda shall serve a copy of all pleadings or documents he sends to the Court upon the defendants or, if an appearance has been entered by counsel for defendants, on defendants' attorneys. Mr. Wanda shall include, with any original paper to be filed with the Clerk of Court, a certificate stating the date that an exact copy of the document was mailed, faxed or hand-delivered to

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<sup>8</sup> See FED. R. CIV. P. 54(d).

the defendants or their counsel. A certificate of service may be written in the following form at the end of his document:

I hereby certify that a copy of the above  (name of document)  was served upon  (name of opposing party or counsel)  by  (mail/fax/hand-delivery)  at  (address)  on  (date) .

\_\_\_\_\_  
(Mr. Wanda's Signature)

Any paper received by a District Court Judge or Magistrate Judge which has not been filed with the Clerk of Court or which does not include a certificate of service will be disregarded by the Court.

5. Mr. Wanda shall provide the Court with the original, plus one complete and legible copy, of every paper he submits for filing, as required by this Court's Local Rule 10.1(b).
6. No party shall have any *ex parte* communication (that is, communication without the presence and/or knowledge and consent of the other parties) with a District Court Judge or Magistrate Judge of this Court about the merits of this action. Mr. Wanda should not write letters to the Court, but must file any requests for action by the Court during these proceedings in the form of a **motion**.
7. The Clerk of Court is directed to send a copy of the Court's motion form, PS12, to Mr. Wanda with this Order.
8. At all times, Mr. Wanda shall keep the Court informed of any change of address, by filing a notice titled "NOTICE OF CHANGE OF ADDRESS." The

notice shall contain **only** information about the change of address, and its effective date. The notice shall not include any requests for any other relief. Failure to file the notice may result in the dismissal of the action for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure.

9. The Clerk of Court is directed to send a copy of our *pro se* handbook, "Representing Yourself in Alaska's Federal Court," to Mr. Wanda with this Order.

DATED this 10<sup>th</sup> day of June, 2008, at Anchorage, Alaska.

/s/TIMOTHY M. BURGESS  
United States District Judge