

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 09-1876

SHAWN KIRTZ,
Appellant

v.

MICHAEL BARKLEY

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civil No. 09-01135)
District Judge: Honorable Mitchell S. Goldberg

Submitted under 28 U.S.C. § 1915(e)(2)(B) or for possible summary action
Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
April 30, 2009

Before: BARRY, AMBRO and SMITH, Circuit Judges

(Opinion filed: May 26, 2009)

OPINION

PER CURIAM

Pro se appellant Shawn Kirtz appeals from the dismissal of a lawsuit that he filed in the U.S. District Court for the Eastern District of Pennsylvania. In March 2009, Kirtz filed a one-paragraph complaint requesting an “emergency audit of [his] account [] [t]o

see if property in question power of attorney” was given to him. It appears that this cause of action is in some way tied to the complaint that Kirtz filed in the District Court in Civil Action 09-cv-00863. On March 19, 2009, the District Court dismissed the complaint, stating that it was “legally and factually unintelligible” and that “[r]easonable efforts to decipher the nature of the claims have failed to produce an understanding of the harm alleged or the relief sought.” The District Court’s dismissal order also noted that Kirtz had failed to include a statement of jurisdiction.

We have jurisdiction pursuant to 28 U.S.C. § 1291. Having granted Kirtz leave to proceed in forma pauperis, we must now determine whether his appeal should be dismissed pursuant to 28 U.S.C. § 1915. Neitzke v. Williams, 490 U.S. 319, 327 (1989). Having reviewed Kirtz’s complaint, we agree with the District Court that his claims are legally and factually unintelligible, and that he has failed to present a cognizable cause of action. See Fed. R. Civ. P. 8; Neitzke, 490 U.S. at 327 n.6. Furthermore, Kirtz failed to clarify his claims in his submissions to this Court, and we remain unable to understand the harm alleged or the relief sought.

Accordingly, because this appeal presents no arguable legal issue, we will dismiss it pursuant to 28 U.S.C. 1915(e)(2)(B). We deny Kirtz’s motions for a jury trial and for an emergency audit of his account.