

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

SHANE M. BRUCE

CIVIL ACTION

VERSUS

NO. 09-7003

ANNA HASULY, ELIZABETH
JOHNSON, HERBERT FISHER
JR., and UNIVERSITY OF
NEW ORLEANS

SECTION "C" (3)

ORDER AND REASONS¹

Before the Court is defendant Elizabeth Johnson, Herbert Fisher, Jr., and the University of New Orleans's ("UNO") motion to dismiss for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (Rec. Doc. 8). Having considered the record, the memoranda of counsel and the law, the motion is GRANTED for the following reasons.

Defendants argue that plaintiff Shane Bruce's ("Bruce") *pro se* complaint fails to set forth necessary facts which give rise to a cognizable legal theory upon which relief may be granted.

The United States Supreme Court recently set forth a heightened pleading standard in *Bell Atlantic Corp. v. Twombly*. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007). A plaintiff's obligation to provide the grounds of his entitlement to relief requires more than labels and conclusions. *Twombly*, 550 U.S. at 555. Factual allegations must be enough to raise a right

¹ Kayvon Sarraf, a third-year student at Tulane University Law School, assisted in the preparation of this Order and Reasons.

to relief above the speculative level. *Id.* Rule 8 (a) requires some factual showing in the complaint; without it, it is hard to see how a claimant could satisfy the requirement of providing not only “fair notice” of the nature of the claim, but also “grounds” on which the claim rests. *Id.* at n.1. Even a liberally construed *pro se* civil rights complaint must set forth facts giving rise to a claim on which relief may be granted. *Johnson v. Atkins*, 999 F.2d 99, 100 (5th Cir. 1993).

In the present case, Bruce’s complaint fails to provide sufficient facts that show he is entitled to relief. The complaint contains only vague and conclusory allegations. It lacks the factual information to provide defendants fair notice of the nature of the claim, as well as the grounds on which the claim rests.

Accordingly,

IT IS ORDERED that Defendants’ motion to dismiss for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of civil Procedure (Rec. Doc. 8) is GRANTED.

New Orleans, Louisiana, this 3rd day of May, 2010.


HELEN G. BERRIGAN
UNITED STATES DISTRICT JUDGE