

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**LOIS J. MARSH,**

**Plaintiff,**

**-vs-**

**Case No. 6:06-cv-1091-Orl-18KRS**

**LIZ FILLNER, LAWRENCE FILLNER,**

**Defendants.**

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**REPORT AND RECOMMENDATION**

**TO THE UNITED STATES DISTRICT COURT**

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: APPLICATION TO PROCEED WITHOUT  
PREPAYMENT OF FEES (Doc. No. 2)**

**FILED: July 24, 2006**

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Before considering Plaintiff Lois J. Marsh's motion to proceed *in forma pauperis*, the Court is required to consider whether Marsh's complaint is frivolous, malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B); *see also* Local Rule 4.07; *Hamaas v. Florida*, No. 305CV771J99HTS, 2005 WL 2063787, at \*1 (M.D. Fla. Aug. 22, 2005) (noting that "28 U.S.C. § 1915(e)(2)(B) is not limited to prisoners, but applies to all persons proceeding *in forma pauperis*.").

This Court only has jurisdiction to decide disputes between parties who reside in different states or that arise from a violation of a federal law or the United States Constitution. Furthermore, an individual may not bring criminal charges against someone by filing a complaint in this Court. Rather, the individual should report alleged crimes to the local police or prosecutor.

It is not clear from Marsh's complaint the basis on which this Court could exercise jurisdiction in this case. While she generally alleges a violation of the Constitution, she does not state which constitutional rights she contends were infringed. She also does not provide any facts to show what the named defendants did that resulted in infringement of her constitutional rights.

Accordingly, I recommend that the Court **DISMISS** Marsh's complaint without prejudice and **DENY** the Application to Proceed without Prepayment of Fees, doc. no. 2. I further recommend that the Court give Marsh eleven days from the date of its ruling on this Report and Recommendation to file an amended complaint, if jurisdiction over her claims exists in this Court.

In amending, Marsh must name as defendants only those persons who are responsible for the alleged violations. Plaintiff must state what rights under the Constitution, laws, or treaties of the United States have been violated, or allege that she lives in a different state from the state in which each defendant resides. It is improper for Marsh merely to list constitutional rights or federal laws. Marsh must provide facts to support the claimed violations. Marsh should clearly describe how each named defendant is involved in the alleged constitutional violation(s) or violation of federal law(s) in the body of the amended complaint.

If Marsh intends to allege a number of related claims, then she must set forth each claim in a separate paragraph in the same complaint. However, if the claims are not related to the same basic issue or incident, then each claim must be addressed in a separate complaint.

Marsh may file a new Application to Proceed without Prepayment of Fees with her amended complaint. In any new Application, Marsh must provide all of the information required by the Application, including the amount of money she has received from the sources described in paragraph 3 of the Application.

The Clerk of Court is directed to mail a copy of this Report and Recommendation to Marsh at her address of record.

Failure to file written objections to the proposed findings and recommendations contained in this report within ten (10) days from the date of its filing shall bar an aggrieved party from attacking the factual findings on appeal.

Recommended in Orlando, Florida on July 26, 2006.

*Karla R. Spaulding* \_\_\_\_\_  
KARLA R. SPAULDING  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Presiding District Judge  
Counsel of Record  
Unrepresented Party  
Courtroom Deputy