

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS  
SPRINGFIELD DIVISION

ELANUS-PER-SOLEN BEY ex rel.	)	
Brian A. Burnside,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 22-3021
	)	
DRAKE-SCRUGGS EQUIPMENT, Inc.,	)	
	)	
Defendant.	)	

MERIT REVIEW OPINION

RICHARD MILLS, United States District Judge:

The Plaintiff filed a Pro Se Complaint on February 9, 2022. Pending is Plaintiff’s Motion for Leave to Proceed In Forma Pauperis.

Section 1915(e)(2) requires the Court to dismiss the case if, *inter alia*, the complaint fails to state a claim on which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii)

In reviewing the complaint, the Court accepts the factual allegations as true, liberally construing them in the plaintiff’s favor. *See Turley v. Rednour*, 729 F.3d 645, 649 (7th Cir. 2013). However, conclusory statements and labels are insufficient. “[A] complaint must contain facts that are sufficient, when accepted as

true, to ‘state a claim to relief that is plausible on its face.’” *Alexander v. United States*, 721 F.3d 418, 422 (7th Cir. 2013) (quoted citation omitted).

Upon reviewing the Complaint, the Court concludes that it lacks jurisdiction over the subject matter. Based on the allegations of the Complaint, it is apparent that Plaintiff is an Illinois citizen suing another Illinois citizen for negligence. Under 28 U.S.C. § 1332, a negligence lawsuit between two citizens of the same state cannot be maintained in a United States District Court.

Even upon accepting the allegations of the complaint as true, the Court must conclude that Plaintiff has not stated a cognizable federal claim. Accordingly, the Court will dismiss the complaint for failure to state a claim.

Ergo, this case is Dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted.

The Clerk will terminate any pending motions and enter Judgment.

ENTER: April 20, 2022

FOR THE COURT:

/s/ Richard Mills  
Richard Mills  
United States District Judge