

## United States District Court, Northern District of Illinois

<b>Name of Assigned Judge or Magistrate Judge</b>	Samuel Der-Yeghiayan	<b>Sitting Judge if Other than Assigned Judge</b>	
<b>CASE NUMBER</b>	10 C 4213	<b>DATE</b>	8/3/2010
<b>CASE TITLE</b>	Bibiano Favela vs. Carol A Kipperman, et al.		

### DOCKET ENTRY TEXT

For the reasons stated below, Plaintiff's motion for leave to proceed in forma pauperis [4] is denied on the merits. Plaintiff has not presented any facts to explain the alleged misconduct of each Defendant, and Plaintiff must include more in his complaint than that Defendants allegedly violated his constitutional rights. Therefore, we dismiss the instant action. All pending motions are denied as moot.

■ [ For further details see text below.]

Docketing to mail notices.

### OPINION

This matter is before the court on Plaintiff Bibiano Favela's (Favela) motion for leave to proceed *in forma pauperis* and motion for appointment of counsel. Pursuant to 28 U.S.C. § 1915(e), "[n]otwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that . . . the action . . . fails to state a claim on which relief may be granted. . . ." *Id.*

Favela has filed a complaint *pro se*, and thus we construe the complaint liberally. *McCormick v. City of Chicago*, 230 F.3d 319, 325 (7th Cir. 2000)(stating that "*pro se* complaints are to be liberally construed and not held to the stringent standards expected of pleadings drafted by lawyers"). However, even when liberally construing the complaint in this action, Favela has failed to present facts with sufficient detail to plausibly suggest a valid claim. *See, e.g., Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009). Favela first alleges that he was sentenced in a criminal case on July 8, 2008, in state court. (Compl. 4). Favela then presents several pages of legal jargon and references various constitutional rights and amendments, but Favela presents no facts to provide Defendants of notice of the claims brought against them. Favela appears to include as Defendants the state court judge that sentenced him, an Assistant State's Attorney, a Public Defender, police officers, and jurors. Favela has not presented any facts to explain the alleged misconduct of

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each Defendant, and Favela must include more in his complaint than that Defendants allegedly violated his constitutional rights. Therefore, we dismiss the instant action. All pending motions are denied as moot.