

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE**

JAMES H. LARSON

PLAINTIFF

v.

CIVIL ACTION NO. 3:13CV-418-H

STEVEN L. BESHEAR *et al.*

DEFENDANTS

MEMORANDUM OPINION AND ORDER

Plaintiff James H. Larson filed this action on a Court-approved general complaint form. He also filed an application to proceed without prepayment of fees (DN 3), which is **GRANTED**. This matter is now before the Court on preliminary review of the complaint pursuant to 28 U.S.C. § 1915(e) and *McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997). For the reasons that follow, the instant action will be dismissed.

The complaint lists four Defendants in the case caption: Steven L. Beshear, Rodney Brewer, Michael T. Kidd, and Timothy Mullins. As grounds for filing this case in federal court, Plaintiff states, “Ex Post Facto Laws, Article I, Section 10, Clause 1, of the U.S. Constitution.” As his prayer for relief, Plaintiff states that he requests the Court to “[m]ake those responsible abide by the law that govern my case and remove me from the sex offender registry after completion of the time ten years required time.” However, Plaintiff does not include a statement of the claim or any other factual allegations in support of his complaint.

Because Plaintiff is proceeding *in forma pauperis*, this Court must review the instant action. 28 U.S.C. § 1915(e); *McGore*, 114 F.3d at 608-09. Upon review, this Court must dismiss a case at any time if it determines that an action is frivolous or malicious, fails to state a

claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(B). This Court recognizes that *pro se* pleadings are to be held to a less stringent standard than formal pleadings drafted by lawyers. *Haines v. Kerner*, 404 U.S. 519 (1972); *Jourdan v. Jabe*, 951 F.2d 108, 110 (6th Cir. 1991). However, the duty “does not require us to conjure up unpled allegations.” *McDonald v. Hall*, 610 F.2d 16, 19 (1st Cir. 1979).

While the Court is aware of its duty to construe *pro se* complaints liberally, Plaintiff is not absolved of his duty to comply with the Federal Rules of Civil Procedure by providing Defendants with “fair notice of the basis for [his] claims.” *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 514 (2002). To state a claim for relief, Plaintiff must show how each Defendant is accountable because the Defendant was personally involved in the acts about which he complains. *See Rizzo v. Goode*, 423 U.S. 362, 375-76 (1976). Plaintiff has not alleged any facts concerning any of the named Defendants or stated how any of the Defendants are responsible for the alleged harm.

Likewise, Plaintiff has stated no factual basis for his claim that Defendants have violated the Ex Post Facto Clause. The Court notes that the Court of Appeals for the Sixth Circuit has held that the federal sex offender registration statute, the Sex Offender Registration and Notification Act, 42 U.S.C. § 16901, does not violate the Ex Post Facto Clause since the statute does not increase the punishment for the past conviction but provides for a conviction for failing to register. *See United States v. Felts*, 674 F.3d 599, 606 (6th Cir. 2012). For these reasons, the complaint will be dismissed for failure to state a claim upon which relief may be granted.

The Court will enter an Order dismissing the action consistent with this Memorandum

Opinion and Order.

Date: May 23, 2013

The image shows a handwritten signature in black ink that reads "John G. Heyburn II". To the right of the signature is a circular official seal of the United States District Court. The seal features an eagle with wings spread, perched on a shield, with the words "UNITED STATES DISTRICT COURT" around the perimeter.

**John G. Heyburn II, Judge
United States District Court**

cc: Plaintiff, *pro se*
4412.010