

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

**CCC LOAV - FROZEN PIZZA OMPT OMPT *et al.***

**PLAINTIFFS**

**v.**

**CIVIL ACTION NO. 3:13CV-1111-R**

**ASSUMPTION CCC LOAV**

**DEFENDANT**

**MEMORANDUM OPINION**

Mike Jason Profitt, *pro se*, filed this action on his own paper on behalf of various Plaintiffs, including “CCC Loav-Frozen Pizza Ompt Ompt”; “All Info Bis.”; “All Canned Biscuits”; “All Dry Pizza Crust”; “All Dry Eggs”; “All Dry Milk”; “All Dry Fruit & Vegtebles”; “Goes With Potatoe Chips, Fritos, Cheetos”; and “Police Force.” As Defendant, he names “Assumption CCC Loav.” His filing is rambling, often illegible, and nonsensical. He writes, “I’ll File No Taxes if you don’t give Me All print-outs No (N) plaive Bio, plaive Police Force of No Velcro Hat No Cash With Bis. Plaive Police Force Owns Name Assumption Please print or Type And send to Plaintiff No Cash unless you send Velcro Hat & Coke Machine Information 850 [illegible].” He further writes,

Make Sure that you have one Name For Lawsuite papers. It Will be one Sheet. Write Paginal on the Front one page No Guilty And No payment! More than one page Means payment only or Lethal injection For Secretary By F.B.I. Goes With Police Force Mr. Profit own Federal Building 601 W. Brdway, Lou, KY Only No other Until Graduation of US Marshalls Bis, Plaive [illegible]-Owner And SAT and School Academic Owner [illegible] of Police by SAT!

In response to a notice of deficiency, Profitt filed his complaint on a Court-supplied general complaint form. The content of that document is even more difficult to comprehend. For instance, he states,

I know this will Not be A Pizza Company Lawsuit There’s Clean Obama Barack President. there will be No Arrest from Fayette County A Houston, T.X. [illegible] Arrest From Hope Center Lexington, KY They Lied Above MR. Gibson trying to kill

my Family For Coventry, (Clean Lanetta At U of L Hospital. Police Force: MR. Gibson Clean, No Bar Fight No Bar Fight - No [illegible.]

Rule 8(a) of the Federal Rules of Civil Procedure requires that a complaint contain:

- (1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;
- (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and
- (3) a demand for the relief sought, which may include relief in the alternative or different types of relief.

In the instant case, Plaintiff's complaint is too rambling and incoherent to meet this notice-pleading standard. *See Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 512 (2002) (indicating that the short and plain statement of claim must "give the defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests") (citation omitted).

Additionally, "a district court may, at any time, *sua sponte* dismiss a complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations of a complaint are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion." *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999) (citing *Hagans v. Lavine*, 415 U.S. 528, 536-37 (1974)).

Plaintiff's allegations are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, and no longer open to discussion, warranting dismissal for lack of subject-matter jurisdiction as well.

For the foregoing reasons, the Court will dismiss this action by separate Order.

Date: December 17, 2013

The image shows a handwritten signature in black ink that reads "Thomas B. Russell". The signature is written in a cursive style. In the background, behind the signature, is a circular seal of the United States District Court. The seal features an eagle with wings spread, holding an olive branch and arrows, with a shield on its chest. The words "UNITED STATES DISTRICT COURT" are visible around the perimeter of the seal.

**Thomas B. Russell, Senior Judge  
United States District Court**

cc: Plaintiff, *pro se*  
4413.005