

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

TANIA BAKER,

*

Plaintiff

*

v

*

Civil Action No. L-11-1989

BALTIMORE CITY DEPT OF SOCIAL
SERVICES,

*

*

Defendant

MEMORANDUM

The above-captioned Complaint was filed on July 19, 2011. The Plaintiff, Tania Baker, states that on June 29, 2011, she called an 800 number administered by the Baltimore City Department of Social Services to report a lost or misplaced Independence Card.¹ She alleges that when she called back on July 1, 2011, the person with whom she spoke knew nothing about her reported missing card. She claims that this alerted her to the fact that there was an effort underway to discriminate against her and deny her benefits. Baker states that further evidence of this scheme soon arrived in the form of a premature “reconsideration for benefits letter.” She seeks four million dollars in emotional distress damages, an order enjoining the Defendant from further discrimination “due to race, disability or otherwise,” and criminal charges against “all responsible parties.” Compl., Docket No. 1.

The cover sheet attached to Baker’s Complaint states that she wishes to bring suit under the Americans with Disabilities Act, which provides in pertinent part that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in

¹ An Independence Card is a card issued by the Maryland Department of Human Resources that replaces food stamps and benefit checks. The card gives access to benefits electronically. See <https://www.ebt.acs-inc.com>.

or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132. Baker has failed, however, to allege either that she has been excluded from participation in a benefit or that she has a disability.² The allegations in the Complaint also stop short of stating that her benefits have been actually terminated by virtue of a final agency decision. Rather, Baker simply claims that her lost card report was mishandled and that she erroneously received a notice regarding her benefits. A Complaint made up of such allegations “lacks an arguable basis either in law or in fact” and must be dismissed. Neitzke v. Williams, 490 U.S. 319, 325 (1989). A separate Order follows.

/s/

Dated this 29th day of July, 2011

Benson Everett Legg
United States District Judge

² Baker also fails to allege any facts from which a claim of racial discrimination might be gleaned.