

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

HAROLD GREENE

\*

**Plaintiff**

\*

v.

**CIVIL NO. JKB-17-1854**

USAA CASUALTY INS. CO., et al.

\*

**Defendants**

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\* \* \* \* \*

**MEMORANDUM**

Now pending before the Court is the MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (ECF No. 10) filed by Defendant USAA (ECF No. 10). The Plaintiff has responded (ECF No. 13) and the time for the Defendant to reply has expired. Also, the Court *sua sponte* considers the question of whether the claim against the other Defendant, the U.S. Department of Health and Human Services, should be dismissed for failure to state a claim.

The Court is obligated to give the *pro se* Plaintiff's complaint a liberal interpretation and to carefully consider whether any cognizable claims have been stated. Having done that, the Court cannot so conclude. The Plaintiff has failed to plausibly allege claims on which relief may be granted as is required under the *Iqbal/Twombly* standard. It is not enough to make naked allegations of harm. Instead, if the Plaintiff's case is to survive, he must lay out allegations that together state all of the required elements of the legal claims he wishes to bring. Additionally, he must allege facts and circumstances that persuade the Court that his contentions are plausible. Even given a liberal interpretation, the Plaintiff's Complaint fails to do this on any count. Accordingly, by accompanying Order, Defendant USAA's Motion to Dismiss will be granted

and the Court will *sua sponte* dismiss the “claims” made against the U.S. Department of Health and Human Services. The case will then be closed.

DATED this 24<sup>th</sup> day of August, 2017.

BY THE COURT:

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/s/  
James K. Bredar  
United States District Judge