

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

KEYONNA FERRELL,

Plaintiff,

v.

MY LIFE,

Defendant.

Civil Action No. TDC-15-1619

MEMORANDUM OPINION

On June 2, 2015, Plaintiff Keyonna Ferrell (“Ferrell”) filed the above-captioned Complaint, ECF No. 1, together with a Motion to Proceed in Forma Pauperis, ECF No. 2. Ferrell appears indigent, therefore, she is granted leave to proceed *in forma pauperis*.

BACKGROUND

The Complaint concerns Ferrell’s claim that Defendant My Life (“My Life”) has been in her “search results for the past few months,” and that her full address is available on its website. Compl. at 2. Ferrell alleges that she called the company to have the information taken down and was told it would take 7-10 business days to have it completely removed from major search engines. *Id.* She admits the information was then removed, but states that the information was “up for a while,” and since she is “connected to celebrities” the information being available caused “obvious emotional distress and a security concern.” *Id.* at 2-3. She seeks damages ranging from \$300,000 to \$500,000, and an injunction ordering that her profile and all information about her to be removed permanently. *Id.* at 13.

DISCUSSION

I. Failure to State a Claim

Under 28 U.S.C. §1915 this Court is granted the discretion to dismiss a proceeding filed *in forma pauperis* if it determines that the complaint is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. §1915(e)(2)(B)(i)-(iii). Here, the Complaint fails to state a claim. Under Federal Rule of Civil Procedure 8, a plaintiff is required to provide “a short and plain statement of the claim showing that the pleader is entitled to relief,” and each averment of a pleading must be “simple, concise, and direct,” Fed. R. Civ. P. 8(a)(2) & (d)(1). A pleading must allege enough facts to state a plausible claim for relief. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A claim is plausible when “the plaintiff pleads factual content that allows the Court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678. Although district courts have a duty to construe self-represented pleadings liberally, a *pro se* plaintiff must nevertheless allege facts that state a cause of action and provide enough detail to illuminate the nature of the claim and allow defendants to respond. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007); *Beaudett v. City of Hampton*, 775 F.2d 1274, 1278 (4th Cir. 1985) (stating that the duty to construe *pro se* pleadings liberally does not require courts to “conjure up questions never squarely presented”).

In this case, the instant Complaint does not allege any actionable conduct by My Life, and “places an unjustifiable burden on defendants to determine the nature of the claim against them and to speculate on what their defenses might be.” *Holsey v. Collins*, 90 F.R.D. 122, 123 (D. Md. 1981) (internal citation and quotation marks omitted); *see also Spencer v. Hedges*, 838

F.2d 1210, 1988 WL 9621, at *1 (4th Cir. Feb. 1, 1988). Ferrell's conclusory statement that she has suffered "obvious emotional distress" is an insufficient basis for a cause of action, making dismissal under Rule 8 appropriate. A court may dismiss a complaint that is "so confused, ambiguous, vague or otherwise unintelligible that its true substance, if any, is well disguised." *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988). Accordingly, the Court concludes that the Complaint fails to state a claim upon which relief may be granted and will be dismissed.¹

III. Motion to Seal

Ferrell also filed a Motion to Seal the case on June 10, 2015. ECF No. 3. The full text of the Motion states: "Please [s]eal all civil suits filed including address, names and [d]ocuments immediately [sic]." *Id.* On July 6, 2015, Ferrell filed a second Motion to Seal, ECF No. 5, in which she supplemented her original request by asserting that the Court should seal all filings in this civil case because "celebrities and [B]arack [are] involved," making the case "substantially more noteworthy." *Id.* at 1.

Local Rule 105.11, which governs the sealing of all documents filed in the record, states in relevant part: "Any motion seeking the sealing of pleadings, motions, exhibits or other documents to be filed in the Court record shall include (a) proposed reasons supported by specific factual representations to justify the sealing and (b) an explanation why alternatives to

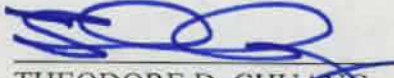
¹ The Court also notes that there is a significant question whether venue is proper in this District. Venue would be proper if the defendant is a resident of Maryland, or if a substantial part of the events or omissions giving rise to the claim occurred in Maryland. 28 U.S.C. § 1391(b). Ferrell has provided the Court with her addresses in Virginia and South Carolina. There is no indication that any of events in this case occurred in Maryland, and there is a substantial question whether My Life can be deemed to be a resident of Maryland. *See* 28 U.S.C. § 1391(c)(2) (noting that a corporation is "deemed to reside in any judicial district in which such defendant is subject to the court's personal jurisdiction with respect to the civil action in question"). Thus, even if the Complaint stated a cognizable claim, this action likely should have been brought in Virginia or South Carolina, where Ferrell presumably has accessed the internet, or in whatever state it can be established My Life resides.

sealing would not provide sufficient protection.” Local Rule 105.11 (D. Md. 2014). The rule balances the public’s general right to inspect and copy judicial records and documents, *see Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978), with competing interests that sometimes outweigh the public’s right, *see In re Knight Publ’g Co.*, 743 F.2d 231, 235 (4th Cir. 1984). The common-law presumptive right of access can only be rebutted by showing that “countervailing interests heavily outweigh the public interest in access.” *Doe v. Pub. Citizen*, 749 F.3d 246, 265-66 (4th Cir. 2014) (quoting *Rushford v. New Yorker Magazine, Inc.*, 846 F.2d 249, 253 (4th Cir. 1988)). Because neither of the Motions to Seal identify such a countervailing interest, the Motions are denied.

CONCLUSION

For the foregoing reasons, the Motion to Proceed in Forma Pauperis, ECF No. 2, is GRANTED. The Motions to Seal the case, ECF Nos. 3 & 5, are DENIED. The case is DISMISSED for failure to state a claim. A separate Order follows.

Date: July 31, 2015


THEODORE D. CHUANG
United States District Judge