

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALFRED J. PROUT,

Plaintiff,

v.

STATE OF MICHIGAN and ADRIAN
DISTRICT COURT,

Defendants.

Case No. 09-14386

Honorable Patrick J. Duggan

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on December 7, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On November 6, 2009, Plaintiff filed the present lawsuit along with an application to proceed *in forma pauperis*. Having reviewed the application, the Court is satisfied that Plaintiff does not possess sufficient assets to pay the filing fee and grants Plaintiff *in forma pauperis* status. Nonetheless, because the Court finds that Plaintiff's complaint—as currently drafted—fails to state a federal claim upon which relief may be granted, the Court dismisses the case.

I. Summary Dismissal Pursuant to 28 U.S.C. § 1915(e)(2)

28 U.S.C. § 1915(e)(2) requires a court to dismiss a case in which the plaintiff proceeds *in forma pauperis* “at any time if the court determines that . . . (B) the action or appeal— (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be

granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B).

II. Failure to State a Claim on which Relief may be Granted

On November 17, 2009, the Court entered an order requiring Plaintiff to file an amended complaint. Specifically, the Court concluded that the original complaint failed to comply with Rule 8(a) of the Federal Rules of Civil Procedure in that it failed to provide adequate notice of the substance of Plaintiff’s claims. Plaintiff filed a response to the Court’s order on November 30, 2009. Therein Plaintiff requests that the Court place the present case on hold and enter an order requiring investigation into Plaintiff’s claims for state assistance and social security disability benefits. As to the nature of the claims in his original complaint, Plaintiff explains, “I have had a senior citizen kidnapped, I have a dead dependent, I had approximately \$12,000.00 worth of business equipment stolen [sic] and my house has been forfeited.” (Pl.’s Resp.)

Even with Plaintiff’s response, the Court remains uncertain of the nature of the claims Plaintiff intends to assert against the State of Michigan and the Adrian District Court. There is no explanation, for example, of the involvement of the State of Michigan and the Adrian District Court in the alleged kidnapping, death, larceny, and forfeiture. Furthermore, this Court has no authority to order the investigation of Plaintiff’s requests for financial assistance from the government. Consequently, there is no claim identified in the present lawsuit for which the Court could grant Plaintiff relief.

Accordingly,

IT IS ORDERED that Plaintiff's application to proceed *in forma pauperis* is **GRANTED**.

IT IS FURTHER ORDERED that the complaint is **DISMISSED WITHOUT PREJUDICE** under 28 U.S.C. § 1915(e)(2) for failure to state a claim on which relief can be granted.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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