

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LEROY WALTON,

Plaintiff,

Case No. 17-12250

v.

Hon. John Corbett O'Meara

RUTH JOHNSON,

Defendant.

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**ORDER GRANTING APPLICATION TO PROCEED  
IN FORMA PAUPERIS AND DISMISSING COMPLAINT**

Appearing pro se, Plaintiff Leroy Walton filed a complaint and application to proceed without prepayment of fees on July 6, 2017. The court finds Plaintiff's application to proceed *in forma pauperis* to be facially sufficient and, therefore, grants Plaintiff's motion to proceed without prepayment of fees. See 28 U.S.C. § 1915(a); Gibson v. R.G. Smith Co., 915 F.2d 260, 262 (6<sup>th</sup> Cir. 1990).

Once a court grants a plaintiff permission to proceed *in forma pauperis*, it must review the complaint pursuant to 28 U.S.C. § 1915(e). The court "shall dismiss" the case if the court finds that it is "(i) 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).

Under Fed. R. Civ. P. 8(a)(2), a complaint must contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Although this standard does not require “detailed factual allegations,” it does require more than “labels and conclusions” or “a formulaic recitation of the elements of a cause of action.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007). Rather, the plaintiff must allege facts that, if accepted as true, are sufficient “to raise a right to relief above the speculative level” and to “state a claim to relief that is plausible on its face.” Id. at 570. See also Ashcroft v. Iqbal, 129 S.Ct. 1937, 1949-50 (2009).

Plaintiff’s complaint, which is devoid of factual allegations, does not meet this standard. Although Plaintiff asserts in a conclusory manner that his rights have been violated, he has not provided any factual allegations indicating how and why Defendant is liable. Even viewing the complaint liberally in light of his pro se status, Plaintiff has failed to state a claim upon which relief may be granted.

Therefore, IT IS HEREBY ORDERED that Plaintiff’s complaint is DISMISSED.

s/John Corbett O’Meara  
United States District Judge

Date: August 2, 2017

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 2, 2017, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager