

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ERIC BERNARD SHIELDS,)	
)	
Plaintiff,)	
)	
v.)	No. 4:14CV781 TCM
)	
FRANCIS SLAY, et al.,)	
)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court upon the motion of Eric Shields for leave to commence this action without prepayment of the filing fee pursuant to 28 U.S.C. ' 1915 [Doc. #2]. Upon consideration of the financial information provided with the application, the Court finds that plaintiff is financially unable to pay any portion of the filing fee. As a result, plaintiff will be granted leave to proceed in forma pauperis pursuant to 28 U.S.C. ' 1915. Additionally, the Court has reviewed the complaint and will dismiss it as legally frivolous pursuant to 28 U.S.C. ' 1915(e)(2)(B).

28 U.S.C. ' 1915(e)

Pursuant to 28 U.S.C. ' 1915(e)(2)(B), the Court may dismiss a complaint filed in forma pauperis if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief. An action fails to state a claim upon which relief can be granted if it does not plead enough facts to state a claim to relief that is plausible on its face.@ *Bell Atlantic Corp. v. Twombly*, 127 S. Ct. 1555, 1574 (2007).

In reviewing a pro se complaint under ' 1915(e)(2)(B), the Court must give the complaint the benefit of a liberal construction. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). The Court

must also weigh all factual allegations in favor of the plaintiff, unless the facts alleged are clearly baseless. *Denton v. Hernandez*, 504 U.S. 25, 32 (1992).

The Complaint

Plaintiff, who is proceeding pro se, has filed the instant complaint against the Mayor of St. Louis City, Francis Slay, and Rodney Grin. Plaintiff alleges, as follows:

42nd Presidential Appointment of William Bill Clinton and has been violated by of (LRA) and needs access to property that is and wrongly taken the contact of as Dee Nickson Harris at (314) 622-3400 within 24 hours to policy for occupied property.

Plaintiff states that his lawsuit arises under “Veterans Affairs rights of and the ‘Executive Orders,’ with Presidential Preference of 1998.” In his request for relief plaintiff asks the Court to “reinstate the rights of the estate as being the 1st Veteran employed via Presidential President Wm. Bill Clinton and as an Executive Order.”

The Federal Rules of Civil Procedure require litigants to formulate their pleadings in an organized and comprehensible manner. Even pro se litigants are obligated to plead specific facts and proper jurisdiction and must abide by the Federal Rules of Civil Procedure; however, plaintiff has failed to do so in this case. *See U.S. v. Wilkes*, 20 F.3d 651, 653 (5th Cir. 1994); *Boswell v. Honorable Governor of Texas*, 138 F.Supp.2d 782, 785 (N.D. Texas 2000); Fed.R.Civ.P. 8(a)(2)(complaint should contain Ashort and plain statement@of claims); Fed.R.Civ.P. 8(e)(2)(each claim shall be Asimple, concise, and direct@); Fed.R.Civ.P. 10(b)(parties are to separate their claims within their pleadings Athe contents of which shall be limited as far as practicable to a single set of circumstances@).

Although the Court is to give plaintiff=s complaint the benefit of a liberal construction, the Court will not create facts or claims that have not been alleged. Plaintiff is required, to the best of his ability, to set out not only his alleged claims in a simple, concise, and direct manner, but also

the facts supporting his claims as to each named defendant. Because plaintiff has failed to do so, and the instant complaint is nonsensical, the Court will dismiss this action as legally frivolous.

Accordingly,

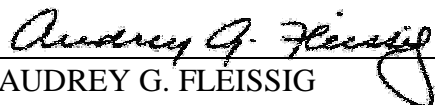
IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall not issue process or cause process to issue, because the complaint is legally frivolous and fails to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel [Doc. #4] is **DENIED** as moot.

A separate Order of Dismissal shall accompany this Memorandum and Order.

Dated this 14th day of May, 2014.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE