

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CODY J. HUDSON,)	
)	
Plaintiff,)	
)	
v.)	No. 4:17CV1568 RLW
)	
FEDLOAN SERVICING, and)	
PENNSYLVANIA HIGHER EDUCATION)	
ASSISTANCE AGENCY,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant’s Motion for More Definite Statement (ECF No. 5). Plaintiff filed a *pro se* Petition in Small Claims Court in the Circuit Court for St. Louis City, Missouri. (ECF No. 3) Defendant, Pennsylvania Higher Education Assistance Agency, doing business as FedLoan Servicing, removed the action to federal court. Defendant filed its motion on June 1, 2017. Pursuant to the Court’s Order to Show Cause dated July 11, 2017, Plaintiff filed a copy of an email he sent to counsel for Defendant further detailing his claims against Defendant. Plaintiff asserts that counsel indicated that a letter of further clarification would suffice, as the parties were seeking a settlement. (ECF No. 9)

While the Court appreciates Plaintiff’s letter of explanation and desire to settle the case without Court intervention, the Court reminds Plaintiff that even as a *pro se* litigant, he must comply with relevant procedural rules. *See Schooley v. Kennedy*, 712 F.2d 372, 373 (8th Cir. 1983) (“Although *pro se* pleadings are to be construed liberally, *pro se* litigants are not excused from compliance with relevant rules of the procedural and substantive law.”). Under Rule 8 of the Federal Rules of Civil Procedure, “[a] pleading that states a claim for relief must contain . . .

a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2).

Plaintiff’s Complaint and email to Defendant’s counsel appear to allege a claim under the Fair Credit Reporting Act (“FCRA”) regarding negative marks on his credit score stemming from unpaid student loans provided by Defendant. (ECF Nos. 3, 9) Plaintiff states that he disputed these negative marks with Defendant and with the credit bureau, but the marks have not been removed. (ECF No. 3) Defendant’s motion asserts that the pleading is so vague that Defendant cannot prepare a response. Specifically, the Defendant claims that the pleading fails to allege when the Defendant allegedly violated the FCRA or what section(s) of the statute Defendant violated. Further, Defendant contends Plaintiff failed to plead to whom he sent notice of the dispute and what specific actions by Defendant violate the FCRA, such as whether Defendant reported inaccurate information or failed to respond to a dispute from a credit reporting agency.

The Court agrees that lack of specificity hinders Defendant’s ability to file a response to the Complaint. Under Rule 12 of the Federal Rules of Civil Procedure, “[a] party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response.” Fed. R. Civ. P. 12(e). In the instant case, the Court will grant Defendant’s motion. *See Dill v. Comenity Bank/Sports Auth.*, No. 13-1321-D, 2014 U.S. Dist. LEXIS 19087, at *2 (W.D. Okla. Feb. 13, 2014) (ordering *pro se* plaintiff who originally filed a claim in state small claims court to file a complaint that sufficiently stated plaintiff’s claims). The Court advises Plaintiff that the website of the United States District Court for the Eastern District of Missouri, located at www.moed.uscourts.gov, has

an entire section dedicated to assisting *pro se* litigants, including a program for preparing a civil complaint.

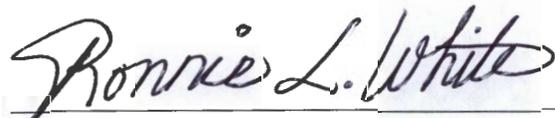
Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion for More Definite Statement (ECF No. 5) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff shall file a Complaint containing a more definite statement of his claim(s) no later than September 1, 2017.

IT IS FINALLY ORDERED that the Clerk of the Court shall mail a copy of this Order via regular mail and UPS to Plaintiff, Cody J. Hudson, at his last known address: 1300 San Jacinto Court, St. Louis, MO 63139.

Dated this 11th day of August, 2017.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE