

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANNAMARIE, 619 OTHERS, and
30 OTHERS,

Plaintiffs,

v.

ELECTORS FOR THE STATE OF
NEBRASKA,

Defendant.

8:12CV348

**MEMORANDUM
AND ORDER**

Plaintiff filed her Complaint in this matter on September 27, 2012. (Filing No. 1.) Plaintiff has previously been given leave to proceed in forma pauperis. (Filing No. 3.) The court now conducts an initial review of the Complaint to determine whether summary dismissal is appropriate under 28 U.S.C. § 1915(e)(2).

I. SUMMARY OF COMPLAINT

_____ Plaintiff filed her Complaint on September 27, 2012, purportedly on behalf of herself and nearly 650 unknown individuals, and against the “Electors for the State of Nebraska.” (Filing No. 1 at CM/ECF pp. 1-2.) Plaintiff’s allegations are nearly impossible to decipher. The 52-page Complaint submitted by Plaintiff consists of, at best, nonsensical and rambling statements regarding President Barack Obama’s citizenship and his eligibility to be President of the United States. (*Id.*) Plaintiff states that she “no longer” knows her last name because of President Obama’s “regime,” that President Obama “did not stick to the rules even though he promised to do so,” and that President Obama has violated the Constitution by being President. (*Id.* at CM/ECF pp. 1-52.) Plaintiff also details her various mental health issues in the state of Florida and claims that President Obama and Secretary of State Hillary Clinton had some involvement in her treatment as well as disregarded “the over 600 helpless victims of crime and fundamental rights abuses” in South Africa. (*Id.* at CM/ECF pp.

11-12.)

II. APPLICABLE LEGAL STANDARDS ON INITIAL REVIEW

The court is required to review in forma pauperis complaints to determine whether summary dismissal is appropriate. *See* [28 U.S.C. § 1915\(e\)\(2\)](#). The court must dismiss a complaint or any portion thereof that states a frivolous or malicious claim, that fails to state a claim upon which relief may be granted, or that seeks monetary relief from a defendant who is immune from such relief. [28 U.S.C. § 1915\(e\)\(2\)\(B\)](#).

A pro se plaintiff must set forth enough factual allegations to “nudge[] their claims across the line from conceivable to plausible,” or “their complaint must be dismissed” for failing to state a claim upon which relief can be granted. [Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 569-70 \(2007\)](#); *see also* [Ashcroft v. Iqbal, 129 S. Ct. 1937, 1950 \(2009\)](#) (“A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.”). Regardless of whether a plaintiff is represented or is appearing pro se, the plaintiff’s complaint must allege specific facts sufficient to state a claim. *See* [Martin v. Sargent, 780 F.2d 1334, 1337 \(8th Cir. 1985\)](#). However, a pro se plaintiff’s allegations must be construed liberally. [Burke v. North Dakota Dep’t of Corr. & Rehab., 294 F.3d 1043, 1043-44 \(8th Cir. 2002\)](#) (citations omitted).

III. DISCUSSION OF CLAIMS

The court has carefully reviewed the Complaint. As set forth above, Plaintiff’s allegations are difficult to decipher. The allegations which the court can decipher do not nudge Plaintiff’s claims across the line from conceivable to plausible. Plaintiff does not set forth any specific actions taken by Defendants which violate any constitutional right or support a claim under [42 U.S.C. § 1983](#). [Keeper v. King, 130 F.3d 1309, 1314 \(8th Cir. 1997\)](#). In short, Plaintiff does not allege that Defendants

deprived her of a right secured by the Constitution or laws of the United States or that the alleged deprivation was committed under “color of state law.” [West v. Atkins, 487 U.S. 42, 48 \(1988\)](#); [Buckley v. Barlow, 997 F.2d 494, 495 \(8th Cir. 1993\)](#). Even with the most liberal construction possible, Plaintiff’s Complaint does not include “sufficient facts to support the claims advanced,” and is, at best, frivolous and nonsensical. [Stringer v. St. James R-1 School Dist., 446 F.3d 799, 802 \(8th Cir. 2006\)](#). This matter is therefore dismissed.

IT IS THEREFORE ORDERED that:

1. Plaintiff’s Complaint fails to state a claim upon which relief may be granted and is dismissed without prejudice pursuant to [28 U.S.C. § 1915\(e\)\(2\)](#).
2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 20th day of November, 2012.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge

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