

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

<p>RODNEY N. MCCAULEY,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>KENT ENGELHARDT,</p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>8:14CV414</p> <p>MEMORANDUM AND ORDER</p>
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This matter is before the Court on its own motion. Plaintiff Rodney McCauley filed a Complaint (Filing No. 1) on December 22, 2014, against Kent Engelhardt, an employee of the Department of Veteran Affairs. (See *id.* at CM/ECF p. 1.) Engelhardt was only mentioned in the caption of McCauley’s Complaint. McCauley alleged:

[On 12-9-14,] between the hours of 8:00-9:00 AM before class went to speak with the Patient Advocate about getting some dentures. Because I’ve received some dentures in the past. When Sandra Miller came here on Tuesday it reminded me what she mentioned to me while I was in Lincoln. She stated that in order to receive my dentures I would have to be in some type of program in order to receive my Dentures. To make things short, I receive a ticket. I would to [sic] have this issue resolved without having to appear in court.

(*Id.* at ECF 2.)

The Court conducted a pre-service screening of the Complaint on March 20, 2015. The Court found it could not determine with any certainty McCauley’s basis for suing Engelhardt. The Court ordered McCauley to file an amended complaint within 30 days that sufficiently described his claims against Engelhardt. The Court directed McCauley to explain what Engelhardt did to him, when Engelhardt did it, how Engelhardt’s actions

harmed him, and what specific legal right McCauley believes Engelhardt violated. (Filing No. 7 at ECF 2-3.)

McCauley filed an “Amend[ed] Complaint Motion to Appoint Legal Counsel” (Filing No. 8) on April 23, 2015. McCauley set forth in this document that he is suing Engelhardt for “false information, defamation of character, [and] obstruction of justice.” (*Id.* at ECF 1.) McCauley did not offer any allegations in support of his claims. Rather, he attached a VA Police Investigative Report to the amended complaint reflecting that on December 9, 2014, McCauley was cited by VA police for disorderly conduct. (*Id.* at ECF 5-7.)

“The essential function of a complaint under the Federal Rules of Civil Procedure is to give the opposing party ‘fair notice of the nature and basis or grounds for a claim, and a general indication of the type of litigation involved.’” *Topchian v. JPMorgan Chase Bank, N.A.*, 760 F.3d 843, 848 (8th Cir. 2014) (quoting *Hopkins v. Saunders*, 199 F.3d 968, 973 (8th Cir. 1999)). Nothing in McCauley’s Complaint or Amended Complaint provides the Court with any indication of why McCauley is suing Engelhardt. McCauley argues Engelhardt provided false information, defamed his character, and obstructed justice, but he does not set forth any factual allegations in support of these bald assertions. Accordingly, the Court finds he has failed to state a claim upon which relief may be granted against Engelhardt.

IT IS ORDERED:

1. This action is dismissed without prejudice for the reasons set forth in this order and the Court’s order dated March 20, 2015.
2. McCauley’s request for the appointment of counsel is denied as moot.

3. A separate judgment will be entered in accordance with this order.

DATED this 1st day of July, 2015.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge