

well. At some point it appears someone told Antonelli she was suffering from a seizure, and Antonelli argues that she does not have a history of seizures. Antonelli has also submitted a variety of other documents, including some letters by her that challenge no fewer than ten allegedly erroneous parking tickets, but these are not germane to the issues before the Court today.

Antonelli seeks \$150,000 in damages for falsification of a medical record under N.J. Stat. Ann. 2C:21-4-1 and 18 U.S.C. § 1519.

II. LEGAL STANDARD

District courts must review complaints in civil actions in which a litigant is proceeding *in forma pauperis* and must *sua sponte* dismiss any claim that is frivolous, is malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(B). Pro se complaints must be construed liberally. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

Under Federal Rule of Civil Procedure 12(b)(6), a court may dismiss an action for failure to state a claim upon which relief can be granted. When evaluating a motion to dismiss, “courts accept all factual allegations as true, construe the complaint in the light most favorable to the plaintiff, and determine whether, under any reasonable reading of the complaint, the plaintiff may be entitled to relief.” *Fowler v. UPMC Shadyside*, 578 F.3d 203, 210 (3d Cir. 2009) (quoting *Phillips v. Cty. of Allegheny*, 515 F.3d 224, 233 (3d Cir. 2008)). A complaint survives a motion to dismiss if it contains sufficient factual matter, accepted as true, to “state a claim to relief that is plausible on its face.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). It is not for courts to decide at this point whether the non-moving party will succeed on the merits, but “whether they should be afforded an opportunity to offer evidence in support of their claims.” *In re Rockefeller Ctr. Props., Inc. Sec. Litig.*, 311 F.3d 198, 215 (3d Cir. 2002). While “detailed factual allegations”

are not necessary, a “plaintiff’s obligation to provide the grounds of his entitle[ment] to relief requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do.” *Twombly*, 550 U.S. at 555 (internal quotations omitted); *see also Ashcroft v. Iqbal*, 556 U.S. 662, 678–79 (2009).

III. DISCUSSION

Antonelli has pleaded a violation of 18 U.S.C. § 1519, a federal criminal statute that does not confer a private right of action. *See Alexander v. Sandoval*, 532 U.S. 275 (2001); *Bratset v. Davis Joint Unified School District*, 2017 WL 6484308, at *4 (E.D. Cal. Dec. 19, 2017) (“18 U.S.C. § 1519 is a federal criminal statute that does not provide a private right of action”); *Jung v. Bank of Am., N.A.*, 2016 WL 5929273, at *3 (M.D. Pa. Aug. 2, 2016) (analyzing criminal statutes with similar language and finding no private right of action and citing cases). Antonelli has thus failed to state a claim because there is simply no claim to bring under this statute.

Because there is no diversity between the parties, the remaining claim under N.J. Stat. Ann. 2C:21-4.1 can only fall within this Court’s discretionary supplemental jurisdiction. *See* 28 U.S.C. § 1367. The Court will exercise its discretion and dismiss the claim.

IV. CONCLUSION

For the reasons stated herein, Antonelli’s complaint is **DISMISSED**. An order follows.

Dated: 01/16/2018

/s Robert B. Kugler
ROBERT B. KUGLER
United States District Judge