



Act,” such state claims “are preempted pursuant to 15 U.S.C. § 1681t(b) by the [federal] Fair Credit Reporting Act.” (Removal Pet. ¶ 3.)

This motion seeks dismissal of the Complaint for failure to state a claim against Chex Systems. To state a claim that survives a Rule 12(b)(6) motion to dismiss, a complaint must contain “enough facts to state a claim to relief that is plausible on its face.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007). “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.” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). The Court cannot draw such an inference from the Complaint filed by Lichtenstein because it fails to identify the alleged misconduct of Chex Systems. Without expressing any view on whether the allegations suffice to state a violation of the Fair Credit Report Act, the Court notes that the allegations are asserted “as to Defendant Experian.” No facts concerning the actions of Defendant Chex Systems are alleged at all. Because Plaintiff is proceeding pro se, the Court has construed his complaint liberally. Haines v. Kerner, 404 U.S. 519, 520 (1972). Even so, this Complaint does not meet the basic pleading standard of Rule 8(a), as articulated by the Supreme Court in Iqbal, as it fails to allege facts that indicate that Chex Systems is liable for any claimed violations of the Fair Credit Reporting Act.

For this reason, the motion to dismiss will be granted. The Court will, however, dismiss the Complaint without prejudice and provide Plaintiff an opportunity to cure the deficiencies discussed in this Opinion. See Grayson v. Mayview State Hosp., 293 F.3d 103, 108 (3d Cir. 2002) (holding that upon granting a defendant's motion to dismiss a deficient complaint, a district court should grant the plaintiff leave to amend within a set period of time, unless amendment of the complaint would be inequitable or futile). Pursuant to Federal Rule of Civil Procedure 15(a), Plaintiff will be granted leave to file an Amended Complaint, and the action will remain open pending that filing. Should Plaintiff fail to file an Amended Complaint within the time provided by the Court in the accompanying Order, the action will be closed.

An appropriate Order will be filed.

s/Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge

Dated: September 24, 2014