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**UNITED STATES DISTRICT COURT**
**DISTRICT OF NEW JERSEY**

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| DESMOND WITHERSPOON,<br><br>Plaintiff,<br>v.<br><br>PENNSYLVANIA GAMING CONTROL BOARD,<br><br>Defendant. | **Civil Action No. 15-115 (SRC)**<br><br>**OPINION** |

**CHESLER**, District Judge

This matter comes before the Court on the application filed by Plaintiff Desmond Witherspoon to proceed in forma pauperis without fees under 28 U.S.C. § 1915. The Court finds that Plaintiff qualifies for in forma pauperis status, yet his Complaint will be dismissed. The Court must examine Plaintiff's claim and dismiss it if frivolous or legally insufficient. 28 U.S.C. § 1915(e)(2). The Complaint states as its cause of action "Tolling Limitation of Action 19.86.120." The Court cannot discern what legal claim Plaintiff is even trying to assert, and the Complaint alleges no facts at all. As such, Plaintiff has failed to state a basis for federal subject matter jurisdiction, and he has failed to state a facially plausible claim for relief. For the reasons provided in the Opinion for Civil Action No. 14-6296, Plaintiff is on notice that he may be sanctioned if he continues to file unsubstantiated and repetitive lawsuits. An appropriate Order will be filed.

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

Dated: January 30, 2015

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