

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BRIANNA GRESSETT,

Plaintiff,

v.

No. 1:22-cv-00133-KG-KK

CHARLES ROY, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

THIS MATTER comes before the Court on *pro se* Plaintiff's Amended Complaint, Doc. 12, filed April 15, 2022.

Plaintiff asserted civil rights violations claims and sought criminal charges against 22 Defendants using the form "Civil Rights Complaint Pursuant to 42 U.S. C. § 1983." *See* Doc. 1, filed February 23, 2022 ("Complaint").

United States Magistrate Judge Kirtan Khalsa notified Plaintiff that: (i) the Complaint should be dismissed for failure to state a claim because it failed to state with particularity what each Defendant did to Plaintiff and when the Defendants committed these alleged unspecified actions; (ii) if Plaintiff is asserting claims on behalf of her family, the Complaint fails to state a claim for her family members because a pro litigant may bring her own claims to federal court without counsel, but not the claims of others; and (iii) the Complaint fails to state a claim to the extent it seeks criminal charges against Defendants because a private citizen lacks a judicially cognizable interest in the prosecution of another. *See* Doc. 10, filed April 12, 2022 (stating "[T]o state a claim in federal court, a complaint must explain what each defendant did to him or her; when the defendant did it; how the defendant's action harmed him or her; and, what specific

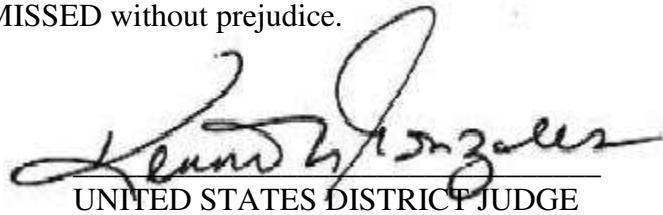
legal right the plaintiff believes the defendant violated") (quoting *Nasious v. Two Unknown B.I.C.E. Agents, at Arapahoe County Justice Center*, 492 F.3d 1158, 1163 (10th Cir. 2007)). Judge Khalsa ordered Plaintiff to file an amended complaint.

Plaintiff's Amended Complaint is difficult to understand. The Amended Complaint appears to name 18 Defendants who were healthcare workers at a nursing home. *See* Amended Complaint at 1. It also appears that Plaintiff may be asserting claims against several doctors and other persons. *See* Amended Complaint at 4, 9. Plaintiff states: (i) "corruption through medical abuse was & still is a liability for me & family ... The medical abuse consist of recieving care not needed;" (ii) "The medical forms are located at Hospitle Advent Health City Killeen TX Baylor Scott & White Hospitle Temple TX the Millitary Base located in Killeen TX;" (iii) "An attact was brought against my family carried as victims do to exstortion, pysical violence, sexual assult;" (iv) "taking money from accounts;" (v) "Poping knees out of place, other computer keys being used to move eyes in and out slightly out of socket, & snatching body back & forth;" and (vi) "Oral confession me & my family are victims of check fraud, & sex trafficking;" [sic] Amended Complaint at 1, 3, 4, 5.

The Amended Complaint indicates the events giving rise to this case occurred in Killeen and Temple, Texas, which are located in the Western District of Texas. The Court did not transfer this case to the Western District of Texas because Plaintiff, who lives in Albuquerque, New Mexico, alleged in her original Complaint that some of the events giving rise to this case occurred in the District of New Mexico. *See* Complaint at 5, Doc. 1, filed February 23, 2022 (stating "I moved to Albuquerque NM in 2019 at the end of that year & the individuals followed me down here to New Mexico ... the trafficking took place here in New Mexico".

The Court dismisses this case because the Amended Complaint fails to state a claim upon which relief can be granted. Despite Judge Khalsa's notice of the allegations required to state a claim, the Amended Complaint does not state with particularity what each Defendant did to Plaintiff and when the Defendants committed these alleged unspecified actions. While the Amended Complaint identifies certain acts such as "taking money from accounts," popping "knees out of place," moving "eyes in and out slightly out of socket," and "sex trafficking," the Amended Complaint does not indicate which Defendants performed those acts. A complaint must "give [each] defendant fair notice of what the . . . claim is and the grounds upon which it rests." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). Because Plaintiff does not indicate which Defendants allegedly performed the acts she complains of, the Amended Complaint does not give Defendants fair notice of Plaintiff's claims and the grounds upon which they rest.

IT IS ORDERED that this case is DISMISSED without prejudice.



LEONARD W. IMMERMAN
UNITED STATES DISTRICT JUDGE