

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

STANLEY ALLYN,

Plaintiff,

v.

No. 1:24-cv-00130-MV-LF

ALANA BRADLY,
ELLINGTON #A24,
WILTBANKS,
BOURASSA, and
FNU PRIETO,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

Plaintiff, who is proceeding *pro se*, alleges as follows:

On March 26, 2023 Officer Bradly open a investigation by obtaining a faultst police report and obtaing faultst alfadates from SDF Freight and Will Powell none of the officers preformed a propper investagtion and conducting their sol duilliangeancey. Such as obtaing G.P.S. records, BOL, video footages, rate coms, employment agreement, lease purches agreement. Lead up to a faultst arrest the officer committed assorcery to thief of services by association by acting onto a faultst police report. Created several damages both crimnel and personal they also helped or committed thief of personal items by not by not removal of plaintiff personal property. Their employers and employers insurance refuse to accept or take finical responsably and drag their feet to all the stat statute. Think the claim can be droped however if complaint has been provide with agency that statute does not apply according to A.R.S. laws.

[sic] Doc. 1 at 1 (Complaint, filed February 8, 2024).

United State Magistrate Judge Laura Fashing notified Plaintiff as follows:

The Complaint fails to state a claim upon which relief can be granted. “[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.” *Nasious v. Two Unknown B.I.C.E. Agents, at Arapahoe County Justice Center*, 492 F.3d 1158, 1163 (10th Cir. 2007). The Complaint contains one allegation that Defendant Bradly opened an investigation by obtaining a false police report and false

affidavits. The Complaint does not otherwise describe what each Defendant did to Plaintiff, when Defendants did it or what specific right Plaintiff believes each Defendant violated. Plaintiff's conclusory allegations regarding false police reports, false affidavits, and persons not performing a proper investigation, and vague references to unidentified statutes, are not sufficient to state a claim. *See Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991) ("conclusory allegations without supporting factual averments are insufficient to state a claim on which relief can be based").

Doc. 4 at 2-3 (Order for Amended Complaint, filed February 9, 2024). Judge Fashing ordered Plaintiff to file an amended complaint and notified Plaintiff that failure to timely file an amended complaint might result in dismissal of this case. *Id.* at 6.

Plaintiff did not file an amended complaint by the March 1, 2024, deadline. Instead, Plaintiff filed a letter, in which he wrote:

I write to ask you again about the suppena as by not issuing them is keeping verry crittel events out of the system and by having the much need truth evident will more than prove that the system made a verry large mistake based on a ball face lie and by you keeping the truth out of the system makes you just as guilty as the person and law agency whom acted on the ball face lie as I have some of the pices I just tell haveing all will show you and your law agency how to conduct a true investigation by providing true facts that the employer lied.

[sic] Doc. 5 at 1-2 (Letter, filed March 1, 2024).

Judge Fashing previously notified Plaintiff that because he is proceeding in forma pauperis pursuant to 28 U.S.C. § 1915, officers of the court will issue and serve all process, but the Court will not order service unless: (i) Plaintiff files an amended complaint that states a claim over which the Court has subject-matter jurisdiction; and (ii) files a motion for service which includes the address of each Defendant. Doc. 4 at 4. Plaintiff did not do either of these things. Accordingly, as Judge Fashing warned, this case will be dismissed.

The Court dismisses this case without prejudice because: (i) the Complaint fails to state a claim upon which relief can be granted; and (ii) Plaintiff did not file an amended complaint as ordered by Judge Fashing.

IT IS ORDERED that this case is **DISMISSED** without prejudice.

A handwritten signature in black ink, appearing to read 'Martha Nazquez', is written over a horizontal line.

MARTHA NAZQUEZ
SENIOR UNITED STATES DISTRICT JUDGE