

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:12-CV-252-D

DONALD L. MORRISON,

Plaintiff,

v.

STUTTERING FOUNDATION OF AMERICA,

JANE FRAZER, PAUL RUTZ, JR., and

DR. DENNIS DRAYNA,

Defendants.

ORDER

Plaintiff, who is proceeding pro se, has sued Stuttering Foundation of America, Jane Fraser,¹ Paul Rutz, Jr., and Dr. Dennis Drayna. The complaint is incoherent, but appears to seek to hold defendants liable for violating 18 U.S.C. § 1346, which is a criminal statute that defines “scheme or artifice to defraud.” [D.E. 1].

Plaintiff may not privately enforce federal criminal law. See, e.g., Morganroth & Morganroth v. DeLorean, 123 F.3d 374, 386 (6th Cir. 1997) (collecting cases); Cok v. Cosentino, 876 F.2d 1, 2 (1st Cir. 1989) (per curiam); Bass Angler Sportsman Soc’y v. U.S. Steel Corp., 324 F. Supp. 412, 415 (S.D. Ala. 1971) (per curiam), aff’d, 447 F.2d 1304 (5th Cir. 1971). Although plaintiff alleges that he possesses a copyright “for ending stuttering,” to the extent he seeks to assert a claim for copyright infringement, he has failed to state a claim upon which relief can be granted. See Ashcroft v. Iqbal, 556 U.S. 662, 678–79 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007). Moreover, if plaintiff seeks to state a fraud claim under North Carolina law, the complaint fails to

¹ Plaintiff misspelled Fraser’s name.

plausibly allege fraud. See Iqbal, 556 U.S. at 678–79; Twombly, 550 U.S. at 555; Cozzarelli v. Inspire Pharm. Inc., 549 F.3d 618, 629 (4th Cir. 2008); Bryant v. Wells Fargo Bank, 861 F. Supp. 2d 646, 667 (E.D.N.C. 2012); Myers & Chapman, Inc. v. Thomas G. Evans, Inc., 323 N.C. 559, 568–69, 374 S.E.2d 385, 391 (1988). To the extent that Morrison has a contractual dispute with Paul Rutz, Jr., the complaint fails to allege a basis for federal subject-matter jurisdiction.

In sum, the motions to dismiss for failure to state a claim upon which relief can be granted by Stuttering Foundation of America and Jane Fraser [D.E. 11] and by Dr. Dennis Drayna [D.E. 8] are GRANTED. The complaint against Rutz also is DISMISSED. Plaintiff's motions [D.E. 17, 18] lack merit and are DENIED.

SO ORDERED. This 14-day of February 2013.


JAMES C. DEVER III
Chief United States District Judge