

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:15-cv-00116-FDW

NAPOLEON J. RANKIN BEY,)
)
 Plaintiff,)
)
 v.)
)
 FNU QUINTERO, Lieutenant;)
 FNU TILLMAN, Captain;)
 FNU WATSON, Lieutenant;)
 FNU HUNDLEY, Sergeant,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court on an initial review of the pro se complaint which Plaintiff filed pursuant to 42 U.S.C. § 1983. For the reasons that follow, this action will be dismissed.

I. BACKGROUND

Plaintiff is a prisoner of the State of North Carolina who is presently housed in the Avery-Mitchell Correctional Institution within this District. In his complaint, Plaintiff presents vague contentions regarding, among other things, “racial discrimination” and “denial of medical care” but he otherwise fails to allege any facts regarding the conduct of any of the named defendants.

II. STANDARD OF REVIEW

Pursuant to 28 U.S.C. § 1915(A)(a), “the court shall review ... a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.” During this review, the “court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint— (1) is frivolous, malicious, or

fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.” Id. § 1915A(b)(1) and (b)(2).

Upon review, this Court must determine whether the complaint raises an indisputably meritless legal theory or is founded upon clearly baseless factual contentions, such as fantastic or delusional scenarios. Neitzke v. Williams, 490 U.S. 319, 327–28 (1989). While a pro se complaint must be construed liberally, Haines v. Kerner, 404 U.S. 519, 520 (1972), the liberal construction requirement will not permit a district court to ignore a clear failure to allege facts in the complaint which set forth a claim that is cognizable under federal law. Weller v. Dep't of Soc. Servs., 901 F.2d 387, 391 (4th Cir. 1990).

III. DISCUSSION

Plaintiff’s complaint will be dismissed for failure to state a claim as Plaintiff’s allegations, such as they are, are simply too threadbare to provide any of the Defendants with notice as to what conduct the Defendants allegedly participated in that may have violated Plaintiff’s federally protected rights. 28 U.S.C. § 1915A(b)(1).

IT IS, THEREFORE, ORDERED that Plaintiff’s Application to proceed *in forma pauperis* is **GRANTED** for purposes of this initial review. (Doc. No. 5).

IT IS FURTHER ORDERED that Plaintiff’s complaint is **DISMISSED without prejudice** for failure to state a claim. (Doc. No. 1).

The Clerk of Court is respectfully directed to close this civil case.

IT IS SO ORDERED.

Signed: July 2, 2015



Frank D. Whitney
Chief United States District Judge

