IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH DAKOTA NORTHEASTERN DIVISION

Juliane M. Iverson,)
)
Plaintiff,)
)
-VS-)
)
VenuWorks formerly known as Compass)
Facilities Management, Inc./Alerus Center)
and Camrud Maddock Olson & Larson Ltd.,)
)
Defendants.)

Case No. 2:11-cv-17

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that Plaintiff's complaint be dismissed without prejudice for lack of subject matter jurisdiction (Doc. #7). Iverson submitted for filing a series of documents that the Court construes as objections to the Report and Recommendation (Doc. #8).

After considering the magistrate judge's Report and Recommendation, conducting a *de novo* review of Iverson's objections, and reviewing the entire file, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, **IT IS HEREBY ORDERED** that Iverson's complaint be dismissed without prejudice for lack of subject matter jurisdiction.

The Court hereby certifies that an appeal from the dismissal of this action may not be taken *in forma pauperis* because such an appeal would be frivolous and cannot be taken in good faith. <u>See Coppedge v. United States</u>, 369 U.S. 438, 444-45 (1962). Iverson has not alleged any basis for the Court's jurisdiction or any actionable legal theory. A pro se complainant, although granted *in forma pauperis* status, has "no right to prostitute the processes of the court by bringing a frivolous action." <u>Galvan v. Cameron Mut. Ins. Co.</u>, 831 F.2d 804, 805 (8th Cir. 1987) (quoting <u>Duhart v. Carlson</u>, 469

F.2d 471, 478 (10th Cir. 1972)). Every pro se litigation as a duty to inquire into whether the claim is worth pursuing further. <u>Id.</u> An otherwise qualified litigant may be denied leave to proceed *in forma pauperis* when the litigant has repeatedly and unsuccessfully filed non-meritorious lawsuits. <u>Douris v. Middletown Twp.</u>, 293 Fed.Appx. 130, 132-133 (3d Cir. 2008). The Court finds any appeal taken by Iverson would not be in good faith and, therefore, denies leave to proceed *in forma pauperis*.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 5th day of April, 2011.

/s/ Ralph R. Erickson Ralph R. Erickson, Chief Judge United States District Court