

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF OHIO

PHILLIP ROBINSON,
 Plaintiff,

v.

CRAIG BOUNDY,
 Defendant.

) CASE NO. 1:17 CV 196
)
) JUDGE CHRISTOPHER A. BOYKO
)
) MEMORANDUM OF OPINION
) AND ORDER
)

This action was originally filed by Plaintiff Phillip Robinson in the Cleveland Municipal Court, Small Claims Division, against Defendant Craig Boundy, Chief Executive Officer of Experian North America. The action was removed by Defendant to this Court on the ground that Plaintiff seeks relief under the Fair Credit Reporting Act. Now before the Court is Defendant’s unopposed Motion to Dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure, filed on February 7, 2017, in which he asserts the Complaint must be dismissed because it contains no factual allegations.

A cause of action fails to state a claim upon which relief may be granted when it lacks “plausibility in the complaint.” *Bell At. Corp. v. Twombly*, 550 U.S. 544, 564 (2007). A pleading must contain a “short and plain statement of the claim showing that the pleader is entitled to relief.” *Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009). The factual allegations in the pleading must be sufficient to raise the right to relief above the speculative level on the assumption that all the allegations in the complaint are true. *Twombly*, 550 U.S. at 555. The plaintiff is not required to include detailed factual allegations, but must provide more than “an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Iqbal*, 556 U.S. at 678 (2009). A

pleading that offers legal conclusions or a simple recitation of the elements of a cause of action will not meet this pleading standard. *Id.*

Given the complete absence of factual allegations in the Complaint, the Court finds Defendant's Motion to Dismiss is well taken. Accordingly, the Motion is granted, and this action is **dismissed**.

IT IS SO ORDERED.

s/ Christopher A. Boyko
CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE

DATED: April 4, 2017