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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

ROWENA MOLSON,) CASE NO. 1:18CV1649
Plaintiff,) JUDGE CHRISTOPHER A. BOYKO
vs.)
JACK CACCACUS, et al.,) <u>MEMORANDUM OPINION</u>) AND ORDER
Defendants.) AND ORDER)

CHRISTOPHER A. BOYKO, J:

This matter is before the Court on the Complaint of *pro se* Plaintiff Rowena Molson against defendants Jack Caccacus and Tim Bennett (collectively, Defendants) (ECF DKT #1).

Also before the Court is Plaintiff's Motion to Proceed *In Forma Pauperis* (ECF DKT #2), which is granted. For the reasons that follow, this case is dismissed.

I. BACKGROUND

Plaintiff's Complaint states in its entirety:

Section 440 - Civil Rights

No cause and invidious discrimination by gender based on the value of human life at or in excess of \$75,000.00 between April 9 to June 1, 2009, all days included. No involvement by plaintiff "self" by word or deed during this April 9 - June 1, 2009 interval, only abduction of Neurenberg [sic] Trial, case in point[.]

Attached to the Complaint is correspondence from the Pennsylvania Department of Human Services, in Spanish, dated June 21, 2018 (ECF DKT #1-1), and a Certificate from Athabasca University stating the Plaintiff has been granted a Bachelor of Arts degree in Sociology and Anthropology, along with a transcript (ECF DKT #1-2).

II. DISCUSSION

A. Standard of Review

Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982), federal district courts are expressly required by 28 U.S.C. § 1915(e)(2)(B) to screen all *in forma pauperis* actions and to dismiss before service any such action that is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. The standard for dismissal articulated in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007) with respect to Fed. R. Civ. P. 12(b)(6) also governs dismissal under § 1915(e)(2)(B). *Hill v. Lappin*, 630 F.3d 468, 470-71 (6th Cir. 2010). Therefore, in order to survive scrutiny under § 1915(e)(2)(B), a *pro se* complaint "must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face." *Id.* (quoting *Iqbal*, 556 U.S. at 678).

B. Analysis

It appears from the Complaint that Plaintiff is asserting a claim related to gender discrimination. However, Plaintiff does not allege any facts regarding the nature of the alleged discrimination or Defendants' role in any such discrimination.

In order to state a plausible claim for relief, Plaintiff must satisfy the basic federal pleading requirements set forth in Fed. R. Civ. P. 8(a)(2), and the Complaint must contain a "short and plain statement of the claim showing that the pleader is entitled to relief." "A pair of Supreme Court decisions . . . confirms that [Rule 8] imposes legal *and* factual demands on the authors of complaints." *16630 Southfield Ltd. P'ship v. Flagstar Bank, F.S.B.*, 727 F.3d 502, 503 (6th Cir. 2013) (emphasis in original) (citing *Twombly* and *Iqbal*). "A claim has facial

plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable

inference that the defendant is liable for the misconduct alleged." *Igbal*, 556 U.S. at 678 (citing

Twombly, 550 U.S. at 557).

Plaintiff's Complaint does not contain either direct or inferential allegations respecting all

the material elements to sustain a recovery against Defendants under some viable legal theory.

See Scheid v. Fanny Farmer Candy Shops, Inc., 859 F.2d 434, 437 (6th Cir. 1988). The Court is

not required to conjure unpleaded facts or construct claims against Defendants on behalf of

Plaintiff. See Grinter v. Knight, 532 F.3d 567, 577 (6th Cir. 2008) (citation omitted); Beaudett v.

City of Hampton, 775 F.2d 1274, 1277-78 (4th Cir. 1985). Even liberally construed, Plaintiff

does not allege facts that give Defendants "fair notice" of the grounds upon which Plaintiff's

vague gender discrimination claim rests. See Twombly, 550 U.S. at 545. Accordingly, Plaintiff's

Complaint fails to state a claim upon which relief can be granted, and is dismissed pursuant to 28

U.S.C. § 1915(e)(2)(B).

III. CONCLUSION

For all of the foregoing reasons, this case is dismissed pursuant to 28 U.S.C. §

1915(e)(2)(B) and closed. Plaintiff's Motion to Proceed In Forma Pauperis is granted (ECF

DKT #2). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal from this

decision may not be taken in good faith.

IT IS SO ORDERED.

s/ Christopher A. Boyko

CHRISTOPHER A. BOYKO

United States District Judge

Dated: August 8, 2018

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