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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

AMR A. IBRAHIM,) CASE NO. 3:11 CV 1877
Plaintiff,)) JUDGE DAVID A. KATZ
v.) MEMORANDUM OF ORDINON
VERICLAIM-VRS,) <u>MEMORANDUM OF OPINION</u>) <u>AND ORDER</u>
Defendant.)

On September 7, 2011, plaintiff *pro se* Amr A. Ibrahim filed this *in forma pauperis* action against Vericlaim-VRS. The two page Complaint, while unclear, alleges Defendant "was hired to conduct an investigation and a final report of an oversees shipment of furniture." Defendant sent a final report to Plaintiff, which was forwarded to an oversees insurance company. Plaintiff apparently made an insurance claim, which was denied. Plaintiff appears to assert the claim was denied because of Defendant's negligence.

Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam); *Haines v. Kerner*, 404 U.S. 519, 520 (1972), the district court is required to dismiss an action under 28 U.S.C. § 1915(e) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact. ¹ *Neitzke v. Williams*, 490 U.S. 319 (1989); *Lawler v. Marshall*, 898 F.2d 1196 (6th Cir. 1990); *Sistrunk v. City of Strongsville*, 99 F.3d 194, 197

A claim may be dismissed *sua sponte*, without prior notice to the plaintiff and without service of process on the defendant, if the court explicitly states that it is invoking section 1915(e) [formerly 28 U.S.C. § 1915(d)] and is dismissing the claim for one of the reasons set forth in the statute. *McGore v. Wrigglesworth*, 114 F.3d 601, 608-09 (6th Cir. 1997); *Spruytte v. Walters*, 753 F.2d 498, 500 (6th Cir. 1985), *cert. denied*, 474 U.S. 1054 (1986); *Harris v. Johnson*, 784 F.2d 222, 224 (6th Cir. 1986); *Brooks v. Seiter*, 779 F.2d 1177, 1179 (6th Cir. 1985).

(6th Cir. 1996).

Under Federal Rule of Civil Procedure 8(a)(2), a pleading must contain a "short and plain

statement of the claim showing that the pleader is entitled to relief." Ashcroft v. Iqbal, 129 S.Ct.

1937, 1949 (2009). The pleading standard Rule 8 announces does not require "detailed factual

allegations," but it demands more than an unadorned, the-defendant-unlawfully-harmed-me

accusation. Id. A pleading that offers "labels and conclusions" or "a formulaic recitation of the

elements of a cause of action will not do." Id. Nor does a complaint suffice if it tenders naked

assertion devoid of further factual enhancement. Id. It must contain sufficient factual matter,

accepted as true, to "state a claim to relief that is plausible on its face." Id. 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. *Id*. The plausibility standard is not

akin to a "probability requirement," but it asks for more than a sheer possibility that a defendant has

acted unlawfully. *Id.* Where a complaint pleads facts that are "merely consistent with" a defendant's

liability, it "stops short of the line between possibility and plausibility of 'entitlement to relief.'"

Id. Even liberally construed, the Complaint does not contain allegations reasonably suggesting

Plaintiff might have a valid claim. See, Lillard v. Shelby County Bd. of Educ, 76 F.3d 716 (6th Cir.

1996)(court not required to accept summary allegations or unwarranted legal conclusions in

determining whether complaint states a claim for relief).

Accordingly, the request to proceed in forma pauperis is granted and this action is

dismissed under section 1915(e). Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3),

that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/ David A. Katz

DAVID A. KATZ UNITED STATES DISTRICT JUDGE

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