

(4:15cv789)

appointed Compass Family & Community Services as his legal guardian, a decision that Plaintiff appealed to the Ohio Court of Appeals.¹

Plaintiff's motion to proceed *in forma pauperis* ([ECF No. 2](#)) is granted; however, his complaint is dismissed pursuant to [28 U.S.C. §1915\(e\)](#). Although *pro se* pleadings are liberally construed, [Boag v. MacDougall](#), 454 U.S. 364, 365 (1982); [Haines v. Kerner](#), 404 U.S. 519, 520 (1972), district courts are required under [28 U.S.C. § 1915\(e\)\(2\)\(B\)](#) to dismiss any *in forma pauperis* action that the court determines is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. [Moniz v. Hines](#), 92 F. App'x 208, 210 (6th Cir. 2004).

Plaintiff's complaint on its face fails to state a claim on which relief may be granted against the defendants under [42 U.S.C. § 1983](#). In order to state a § 1983 claim, a plaintiff must plead and prove that the defendants, acting under color of state law, deprived him of a right, privilege, or immunity secured by the Constitution or laws of the United States. See [Kalan, 2014 WL 4066261, at *2](#) (citing [Parratt v. Taylor](#), 451 U.S. 527, 535 (1981)). Plaintiff's complaint, like his prior complaint, even liberally construed does not identify any discernible cognizable constitutional violation; nor does it allege facts indicating how, if at all, Defendants were involved in violating his rights. A *pro se* plaintiff is required to meet basic pleading requirements, and a court is not required to conjure allegations on his behalf. [Martin v. Overton](#), 391 F.3d 710, 714 (6th Cir. 2004).

¹ The Ohio Court of Appeals upheld the decision of the Probate Court. See [In re Guardianship of Kalan](#), No. 13 MA 46, 2014 WL 4672478 (Ohio App. 7th Dist. Sept. 18, 2014).

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The most that can be discerned from Plaintiff's unclear allegations is that he contends he has suffered damages as a result of being declared incompetent by the Mahoning County Probate Court. The Court, however, is without jurisdiction to review, or order a "retraction" of, any aspect of a decision of the Mahoning County Probate Court. See [Kalan, 2014 WL 4066261, at *3](#) ("District Courts of the United States do not have jurisdiction to overturn state court decisions.").

For the reasons stated above, this action is dismissed pursuant to [28 U.S.C. § 1915\(e\)](#). 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.

August 28, 2015
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge