

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISCTICT OF OKLAHOMA**

MARC DEWAYNE HOWELL,)
)
 Plaintiff,)
)
 v.)
)
 OKLAHOMA HIGHWAY PATROL)
)
 Defendant.)

Case No. 14-CV-639-JED-PJC

ORDER

This matter comes before the Court on plaintiff’s Complaint (Doc. 1) and motion to proceed in forma pauperis (Doc. 2). Plaintiff Marc Dewayne Howell proceeds pro se, against defendant Oklahoma Highway Patrol. In support thereof Mr. Howell cites 76 O.S. § 1, 18 U.S.C. § 242, “Title 21-Part 4- U.S.C. 1983”, the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, and 42 U.S.C.A. §1983.¹

Plaintiff alleges that he was subjected to an illegal search or seizure and deprived of his due process rights. His complaint purportedly stems from an incident occurring in May 2000, when he was driving northbound on Oklahoma Interstate Highway 35 in Garvin County, Oklahoma. Plaintiff states that he passed an unnamed Oklahoma Highway Patrol Officer, who then drove past Howell while “leaning forward and looking at [him] in an intimidating and threatening manner.” (Doc. 1). The plaintiff also alleges that the trooper pulled him over but provides no facts as to the traffic stop in his complaint. Plaintiff seeks \$4,000,000 in damages for this threatening scowl which allegedly occurred nearly a decade and a half ago.

¹ Mr. Howell filed an amendment to his complaint (Doc. 5) stating that he is no longer relying upon Title 21.

While pro se pleadings are liberally construed, *Haines v. Kerner*, 404 U.S. 519, 520 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991), a pro se plaintiff must comply with the fundamental requirements of the Federal Rules of Civil Procedure. *Ogden v. San Juan County*, 32 F.3d 452, 455 (10th Cir. 1994). A plaintiff's pro se status likewise does not excuse his obligation to comply with the requirements of substantive law. *See McNeil v. United States*, 508 U.S. 106, 113 (1993).

In considering dismissal under Rule 12(b)(6), this Court must determine whether the plaintiff stated a claim upon which relief may be granted. *See* Fed. R. Civ. P. 12(b)(6). The Federal Rules of Civil Procedure require “a short and plain statement of the claim to show that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). A complaint must provide “more than labels and conclusions, and a formulaic recitation of the elements of a cause of action.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). The standard does “not require a heightened fact pleading of specifics, but only enough facts to state a claim to relief that is plausible on its face,” and the factual allegations “must be enough to raise a right to relief above the speculative level.” *Id.* at 555-56, 570 (citations omitted). For the purpose of making the dismissal determination, this Court must accept all the well-pleaded factual allegations of the complaint as true, even if doubtful, and must construe the allegations in the light most favorable to the claimant. *See id.* at 555; *Alvarado v. KOB-TV, L.L.C.*, 493 F.3d 1210, 1215 (10th Cir. 2007).

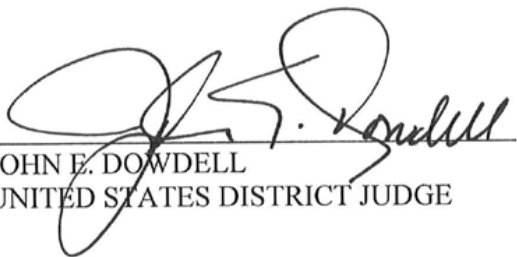
The crux of the Plaintiff's complaint is that he was deprived of his due process rights and subjected to an unreasonable search and seizure because he was looked at in a menacing way and pulled over by an Oklahoma Highway Patrol Trooper. Nothing in the complaint amounts to an

unlawful search or seizure or a violation of any other right. Because the Plaintiff has not stated a valid claim, his complaint against the Oklahoma Highway Patrol must be **dismissed**.

IT IS THEREFORE ORDERED that the complaint is **dismissed**. A separate judgment of dismissal will be entered herewith.

IT IS FURTHER ORDERED that plaintiff's motion for leave to proceed in forma pauperis (Doc. 2) and plaintiff's motion to dismiss (Doc. 6) are **moot**.

SO ORDERED this 18th day of November, 2014.



JOHN E. DOWDELL
UNITED STATES DISTRICT JUDGE