

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

BILL LIETZKE,

Plaintiff,

v.

CITY OF BIRMINGHAM, ET AL,  
PATRICK D. SMITH, CHIEF

Defendants.

Case No. 6:19-cv-1407-MC  
Case No. 6:19-cv-1408-MC  
Case No. 6:19-cv-1457-MC  
Case No. 6:19-cv-1458-MC  
Case No. 6:19-cv-1459-MC

OPINION AND ORDER

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MCSHANE, Judge:

*Pro se* plaintiff Bill Lietzke seeks leave to proceed *in forma pauperis* (IFP). The Court, pursuant to 28 U.S.C. § 1915(e)(2), must screen applications to proceed IFP and dismiss any case that is frivolous or malicious, or fails to state a claim on which relief may be granted. *Pro se* pleadings are held to less stringent standards than pleadings by attorneys. *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972). That is, the court should construe pleadings by *pro se* plaintiffs liberally and afford the plaintiffs the benefit of any doubt. *Karim-Panahi v. Los Angeles Police Dep't*, 839 F.2d 621, 623 (9th Cir. 1988).

Lietzke filed nearly identical complaints in the first four cases listed above. Some complaints name the City of Birmingham and its Chief of Police as defendants, while other complaints list Greyhound as a defendant. Regardless, the factual allegations—to the extent the complaints actually contain specific factual allegations—are nearly identical. In each complaint, Lietzke alleges defendants falsely imprisoned him when, on April 20, 2018, defendants unlawfully arrested him upon Lietzke’s arrival at the Birmingham, Alabama Greyhound terminal. In case number 19-1459, Lietzke names the City of Montgomery and its police chief, alleging they falsely arrested him outside of a church (although Lietzke does not allege when this occurred).

This is not the first time, or the first venue, or even the first division within a judicial district, where Lietzke has advanced these claims. Five months before filing the complaints at issue, Lietzke filed nearly identical complaints in the Portland division of the District of Oregon. *See* 19-cv-560-SB; 19-cv-561-SB; 19-562-SB; 19-563-SB; and 19-565-SB. Judge Hernandez dismissed each case without prejudice for improper venue and lack of personal and subject matter jurisdiction. Judge Hernandez’s reasoning applies equally well to the cases at issue here. Lietzke fails to allege any facts suggesting venue is proper in the District of Oregon. All of the events at issue occurred in Alabama, and Lietzke does not allege ever setting foot in Oregon.

Additionally, as noted by Judge Hernandez, Lietzke has filed over 100 similar cases across the country. At least some of those cases were dismissed on the merits. *Lietzke v. Greyhound Lines, Inc.* No. 2:18-cv-00488-MHT-GMB, 2018 WL 4677837, at \*6 (M.D. Ala. Aug. 8, 2018), *adopted in part*, 2018 WL 4030969, at \*1 (M.D. Ala. Aug. 23, 2018). Therefore, the present claims are duplicative and malicious under 28 U.S.C.<sup>1</sup> § 1915(e)(2).

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<sup>1</sup> The Alabama District Court noted the complaints against the arrest at the Greyhound station and the separate complaints against the City of Montgomery. 2018 WL 4677837 at \*1-2.

For the reasons stated above, Lietzke's complaints fails to state a claim on which relief may be granted, and it must be dismissed. 28 U.S.C. § 1915(e)(2). As leave to amend would be futile, the dismissal is with prejudice.

IT IS SO ORDERED

DATED this 7<sup>th</sup> day of November, 2019.

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/s/ Michael McShane  
Michael McShane  
United States District Judge