

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LOLITA DUGLAS : **CIVIL ACTION**
:
:
v. :
:
MAXWELL REALTY CO., INC. : **NO. 17-2391**

MEMORANDUM

PRATTER, J.

JUNE 6, 2017

Plaintiff Lolita Duglas filed a motion to proceed *in forma pauperis* and a complaint against Maxwell Realty Co., Inc. It appears from the complaint that Ms. Duglas sought to rent a furnished apartment from Maxwell Realty, and asked that the company waive an applicable fee. Her claims appear to be based on her disappointment with the fact that Maxwell Realty would not waive that fee. She also mentions a power of attorney, although it is unclear how the power of attorney applies to her claims. Ms. Duglas asks the Court to “explain power of attorney,” waive the fee, and allow her to live in the furnished apartment for free. (Compl. at 4.)

Ms. Duglas’s motion to proceed *in forma pauperis* is granted because it appears that she is incapable of paying the fees to commence this civil action.

However, 28 U.S.C. § 1915(e)(2)(B)(i) and (ii) require the Court to dismiss the complaint if it is frivolous or fails to state a claim. A complaint is frivolous if it “lacks an arguable basis either in law or in fact,” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989), and is legally baseless if it is “based on an indisputably meritless legal theory.” *Deutsch v. United States*, 67 F.3d 1080, 1085 (3d Cir. 1995). To survive dismissal for failure to state a claim, the complaint must contain “sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.”

Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quotations omitted). “[M]ere conclusory statements[] do not suffice.” *Id.*

Ms. Duglas is proceeding *pro se*, and for that reason the Court construes her allegations liberally. *Higgs v. Att'y Gen.*, 655 F.3d 333, 339 (3d Cir. 2011). Nothing alleged or remotely feasible from the allegations in Ms. Duglas’s complaint gives rise to a claim under federal or state law. Accordingly, there is no legal basis for her lawsuit. The Court will therefore dismiss the complaint with prejudice because amendment would be futile. An appropriate order follows, which shall be docketed separately.

BY THE COURT:



GENE E.K. PRATTER, J.