

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROWENA MOLSON,

Plaintiff,

17cv103 (Erie)
ELECTRONICALLY FILED

v.

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES,

Defendant.

ROWENA MOLSON,

Plaintiff,

17cv104 (Erie)
ELECTRONICALLY FILED

v.

GLEN PAKOV,

Defendant.

ROWENA MOLSON,

Plaintiff,

17cv108 (Erie)
ELECTRONICALLY FILED

v.

PB 18 GIRARD STATE POLICE
BARRACKS,

Defendant.

MEMORANDUM ORDER OF COURT

Before the Court are three separate Complaints filed in three separate cases by the same *pro se* Plaintiff, Rowena Molson. The Court granted Molson the right to proceed *in forma pauperis* in each of these three cases. However, for the reasons set forth below, each of the three cases will be dismissed as this Court does not have subject matter jurisdiction over any of them.

1. Case Number 17cv103 (ERIE)

Molson v. United States Citizenship and Immigration Services

In this case, Molson alleges that she is proficient in the English language and appears to be seeking a reversal of a March 7, 2017 decision issued by U.S. Immigration and Citizenship Services (“USCIS”), denying Molson’s application for naturalization. The denial was predicated, in part, on Molson’s inability to achieve a passing score on the English understanding portion of the naturalization test. The decision issued by USCIS noted that Molson was interviewed by an Officer on two separate occasions, but neither time – even after repeating and rephrasing the questions – was Molson able to respond meaningfully to those questions.

This letter which accompanied the USCIS denial decision provided Molson with information akin to an appeal process. The denial decision indicates that if Molson believed she could “overcome the grounds for the denial” (meaning her inability to achieve a passing score on the English understanding portion of the naturalization test), she had to submit a request for a hearing (Form N-336) within thirty days. The decision letter indicates and that if Molson did not file such a form, the decision would become final. This process is outlined in 8 U.S.C.A. § 1447 and in 8 C.F.R. § 336.2.

If Molson did file the requisite form noted above, USCIS would have 180 days from the date upon which the Form was filed to schedule a review hearing. 8 C.F.R. § 336.2(b). Because there is no indication suggesting whether or not Molson filed an appeal, and because 180 days

has not yet passed from the date of the original decision, let alone the date that Molson may have filed an appeal with the USCIS, this matter is not ripe. See 8 C.F.R. § 336.9(d) (A USCIS determination denying an application for naturalization under Section 335(a) of the Act shall not be subject to judicial review until the applicant has exhausted those administrative remedies available to the applicant under section 336 of the Act.).

Accordingly, until all administrative remedies are exhausted, this Court does not have subject matter jurisdiction over Moslon's Complaint and this case will be dismissed and closed.

**2. Case Number 17cv104 (ERIE)
Molson v. Pakov**

In this breach of contract case, Molson primarily alleges that her landlord owes her the return of her security deposit in the amount of \$420.00. However, in this Complaint, Molson also notes that her landlord's address is in Erie, Pennsylvania (as is hers). Because both Molson and Pakov are residents of the Commonwealth of Pennsylvania and this matter does not reach the minimum threshold of \$75,000.00, this Court does not have subject matter jurisdiction. For this reason, the Court will dismiss this Complaint and close this case.¹

**3. Case Number 17cv108 (ERIE)
Molson v. PB 18 Girard State Police Barracks**

In this case, Molson alleges that in 2006 and 2014, she encountered police officers at her home and in her neighborhood, respectively. It appears that at least during one, if not both, of these instances, Molson was arrested and was found guilty. She appears to be seeking a reversal of these "verdicts."

The Court will dismiss this case for the following reasons: First, the Defendant in this case is a State Police Barrack – not a person(s), or a state agency – and the building from which a

¹ This Complaint should have been filed in Pennsylvania's Court of Common Pleas for Erie County, not in the United States District Court for the Western District of Pennsylvania.

group of police officers work, cannot be sued. Second, regardless of whether Molson is attempting to assert any discernable Section 1983 civil rights violation (such as a false imprisonment, false arrest, or an excessive force claim arising from either her 2006 or 2014 police encounter), she is time-barred under Pennsylvania's two-year statute of limitations. *Heck v. Humphrey*, 512 U.S. 477, 484 (1994). Further, even if the Court considers the various documents filed by Molson at ECF 5 and ECF 5-1, as an "Amended Complaint," dismissal of this matter is still required. The two-year statute of limitations serves as an absolute bar to any civil rights claims she may be attempting to assert, and thus, any amendment is futile. *See, In re Burlington Coat Factory Sec. Litig.*, 114 F.3d 1410, 1434 (3d Cir. 1997) ("Among the grounds that could justify a denial of leave to amend are . . . futility. . . . 'Futility' means that the complaint, as amended, would fail to state a claim upon which relief could be granted.").

Accordingly, this Complaint will also be dismissed and the case closed.

ORDER OF COURT

AND NOW, this 19th day of July, 2017, IT IS HEREBY ORDERED THAT:

1. Plaintiff's Complaint (ECF 4) in case number 1:17-cv-00103 is DISMISSED; and
2. The Clerk of Court shall mark this CASE CLOSED.
3. Plaintiff's Complaint (ECF 5) in case number 1:17-cv-00104 is DISMISSED; and
4. The Clerk of Court shall mark this CASE CLOSED.
5. Plaintiff's Complaint (ECF 4) in case number 1:17-cv-00108 is DISMISSED; and
6. The Clerk of Court shall mark this CASE CLOSED.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: Rowena Molson
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