

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

BECKLEY SKINNER,)
)
Plaintiff,)
)
v.) Civil Action No. 11-0668
)
ANDOVER TRUCK CO and)
PIONEER CREDIT CO,)
)
Defendants.)

MEMORANDUM

Gary L. Lancaster,
Chief Judge.

May 25, 2011

Before the court are plaintiff's motion for leave to proceed in forma pauperis and his pro se complaint. [Doc. No. 1]. For the reasons set forth below, plaintiff's motion for leave to proceed in forma pauperis will be granted, and his complaint will be dismissed as frivolous.

Plaintiff, Beckley Skinner, appears to allege that his name was forged on a promissory note for student loans to attend the Andover Tractor Trailer School in 1989. Plaintiff never paid back the loan in question and now the U.S. Department of Education is applying a portion of plaintiff's social security payments toward the outstanding debt. Plaintiff's unintelligible complaint appears to request that the court find that the promissory note is invalid and that the debt is extinguished.

I. Motion for Leave to Proceed In Forma Pauperis

We first address plaintiff's motion for leave to proceed in forma pauperis.

Congress has authorized the federal courts to allow a party to proceed with the commencement, prosecution, or defense of an action in forma pauperis. 28 U.S.C. § 1915(a). In doing so, Congress recognized the public policy concern that persons who are unable to pay fees or give security should be permitted to prosecute or defend actions that affect their legal rights. Because it appears that plaintiff is unable to pay the costs associated with commencing this action, we will grant him leave to proceed in forma pauperis.

II. Complaint

Next, we turn to plaintiff's pro se complaint.

In enacting section 1915, Congress granted the courts an extra measure of authority when evaluating an in forma pauperis action. Under that section, the court shall determine if the action is frivolous, or fails to state a claim on which relief may be granted. Id. at §§ 1915(e)(2)(b)(i), (ii). If it so finds, the court may dismiss a claim sua sponte, even before the summons issues. Johnstone v. United States, 980 F. Supp. 148, 150 (E.D. Pa. 1997).

Plaintiff's complaint is unintelligible and he has failed to set forth any allegations that shed light on the cause of action he is pursuing. Plaintiff also has failed to indicate the kind of relief he expects from the court other than his request that life go back to how it was before. The court has no jurisdiction over this action as alleged, and we are unable to provide the relief plaintiff seeks. Although plaintiff proceeds pro se, this does not excuse him from the requirement to set forth non-frivolous allegations and state a claim on which relief may be granted.

Based on the foregoing, we will dismiss plaintiff's complaint as frivolous.

An appropriate order follows.

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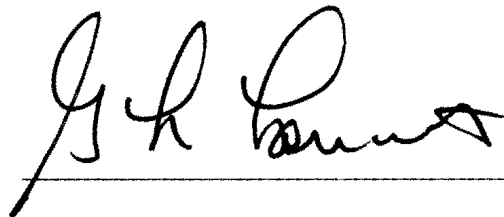
BECKLEY SKINNER,)
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 Plaintiff,)
) Civil Action No. 11-0668
 v.)
)
 ANDOVER TRUCK CO and)
 PIONEER CREDIT CO,)
)
 Defendant.)

ORDER

AND NOW, this 25th day of May, 2011, IT IS HEREBY
ORDERED that plaintiff's motion for leave to proceed in forma
pauperis is GRANTED.

IT IS FURTHER ORDERED, that plaintiff's complaint is
DISMISSED as frivolous.

BY THE COURT:


_____, C. J.

cc: Beckley Skinner
2121 Centre Avenue
Pittsburgh, PA 15219