

CLOSING

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LEE KENWORTHY, et al.,

Plaintiffs,

v.

HEATHER CHRISTENSEN LCW, et al.,

Defendants.

Civil Action No. 19-14351

ORDER

THIS MATTER comes before the Court by way of pro se Plaintiff Lee Kenworthy's ("Plaintiff") Complaint and application to proceed in forma pauperis under 28 U.S.C. § 1915, ECF No. 1;

and it appearing that Plaintiff has established his inability to pay the costs of the proceeding, so the Court grants his application to proceed in forma pauperis without prepayment of fees and costs under 28 U.S.C. § 1915(a);

and it appearing that 28 U.S.C. § 1915(e)(2)(B)(ii) requires the Court to determine whether Plaintiff's Complaint must be dismissed for failure to state a claim on which relief may be granted;

and it appearing that the Court applies the same standard of review under Section 1915(e)(2)(B)(ii) as that governing motions to dismiss under Federal Rule of Civil Procedure 12(b)(6), Grayson v. Mayview State Hosp., 293 F.3d 103, 112 (3d Cir. 2002), and thus accepts all pleaded facts as true, construes the complaint in Plaintiff's favor, and determines "whether, under any reasonable reading of the complaint, . . . [P]laintiff may be entitled to relief," Phillips v. County of Allegheny, 515 F.3d 224, 233 (3d Cir. 2008) (internal quotation marks and citation omitted);

and it appearing that Federal Rule of Civil Procedure 8 requires a complaint to contain “a short and plain statement . . . showing that the pleader is entitled to relief” and that each allegation be “concise and direct,”¹ Fed. R. Civ. P. 8(a)(2), (d)(1);

and it appearing that the Court construes pleadings filed by a pro se plaintiff liberally and holds them to a less stringent standard than those filed by attorneys, Haines v. Kerner, 404 U.S. 519, 520 (1972), but “pro se litigants still must allege sufficient facts in their complaints to support a claim,” Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 245 (3d Cir. 2013);

and it appearing that Plaintiff’s Complaint is largely incomprehensible but appears to suggest claims of civil rights violations, defamation, and harassment against Defendants Heather Christensen, Cali Esposito, Cheryl Rose, and Robert Baty, see generally ECF No. 1;

and it appearing that Plaintiff’s allegations do not qualify as “short and plain statement[s] of . . . federal claim[s]” under Rule 8, and even reading the Complaint liberally, the Court cannot discern the factual bases for Plaintiff’s claims, the legal causes of action on which those claims are based, or the particular defendants against whom he asserts them;

and it appearing that courts in this district have dismissed pro se complaints under similar circumstances, see, e.g., Scibelli v. Lebanon County, 219 F. App’x 221, 222 (3d Cir. 2007) (holding that the district court did not err in dismissing pro se litigant’s complaint under Rule 8 where the amended complaint “was ‘illegible or incomprehensible’”); Eisenstein v. Ebsworth, 148 F. App’x 75, 77 (3d Cir. 2005) (affirming dismissal of pro se complaint under Rule 8 where the

¹ To survive, Plaintiff’s claims must be facially plausible, meaning that the pleaded facts “allow[] the court to draw the reasonable inference that the defendant is liable for the misconduct alleged,” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009), and are “more than labels and conclusions” or “a formulaic recitation of the elements of a cause of action,” Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007).

complaint “was incomprehensible and failed to succinctly set forth the factual basis for the claims and the legal cause of action on which the claims were based”);

IT IS on this 25th day of February, 2020;

ORDERED that Plaintiff’s application to proceed in forma pauperis, ECF No. 1.1, is **GRANTED**, and the Complaint, ECF No. 1, is **DISMISSED** under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted; and it is further

ORDERED that this matter is now **CLOSED**.

/s Madeline Cox Arleo

MADELINE COX ARLEO
UNITED STATES DISTRICT JUDGE