

FILED

MAY 04 2010

Clerk, U.S. District and
Bankruptcy Courts

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Darrell Lee Wilber,

Plaintiff,

v.

United States Government,

Defendant.

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Civil Action No.

10-0700

MEMORANDUM OPINION

Plaintiff Darrell Lee Wilber has filed an application to proceed without prepayment of fees and a pro se complaint. The application will be granted and the complaint will be dismissed.

The Court appreciates that complaints filed by *pro se* litigants are held to less stringent standards than formal pleadings drafted by lawyers. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972). Even *pro se* litigants, however, must comply with the Federal Rules of Civil Procedure. *Jarrell v. Tisch*, 656 F. Supp. 237, 239 (D.D.C. 1987). Rule 8(a) of the Federal Rules of Civil Procedure requires that a complaint contain a short and plain statement of the grounds upon which the court's jurisdiction depends, a short and plain statement showing that the pleader is entitled to relief, and a demand for judgment for the relief the pleader seeks to obtain. Fed. R. Civ. P. 8(a). The purpose of the minimum standard of Rule 8 is to give fair notice to the defendants of the claim being asserted, sufficient to prepare a responsive answer, to prepare an adequate defense and to determine whether the doctrine of *res judicata* applies. *Brown v. Califano*, 75 F.R.D. 497, 498 (D.D.C. 1977).

Having reviewed plaintiff's complaint, the Court cannot decipher what claims the plaintiff intends to pursue against the sole defendant, the United States. The United States,

however, is immune from suit except where Congress has waived sovereign immunity. *Lane v. Pena*, 518 U.S. 187, 192 (1996); *United States v. Mitchell*, 463 U.S. 206, 212 (1983); *FDIC v. Meyer*, 510 U.S. 471, 484-85 (1994). As drafted, the complaint fails to comply with the requirements of Rule 8(a) and the Court cannot discern that it has subject matter jurisdiction over this complaint. Accordingly, the Court will dismiss the complaint without prejudice.

A separate order accompanies this memorandum opinion.

Date: April 23, 2010


United States District Judge