

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

NOV 28 2011

Clerk, U.S. District and
Bankruptcy Courts

Antonio Colbert,

Plaintiff,

v.

Hamilton County Dep't of
Health and Human Services,

Defendant.

Civil Action No. **11 2103**

MEMORANDUM OPINION

This matter is before the Court on its initial review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted and the case will be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Under that statute, the Court is required to dismiss a case "at any time" it determines that the complaint fails to state a claim upon which relief can be granted.

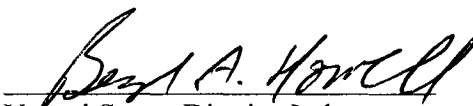
Plaintiff lists his address as a Post Office Box in the District of Columbia. He sues the Hamilton County Department of Health and Human Services in Cincinnati, Ohio, for \$10 million "in restitution for their fraudulance [sic]." In his one-paragraph complaint, plaintiff alleges only that defendant "refused to provide adquite [sic] assistance, neglecting my rights or necessity as a taxpayer!"

Plaintiff's cryptic allegation fails to state a cognizable claim over which this Court may exercise jurisdiction under either 28 U.S.C. § 1331 (federal question) or 28 U.S.C. § 1332 (diversity actions). *See Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (A plaintiff's "[f]actual allegations must be enough to raise a right to relief above the speculative level")

N

5

(citations omitted); *Aktieselskabet AF 21. Nov. 2001 v. Fame Jeans, Inc.*, 525 F.3d 8, 16 n.4 (D.C. Cir. 2008) (“[A] complaint needs some information about the circumstances giving rise to the claims.”); *see also* Fed. R. Civ. P. 9(b) (“In alleging fraud . . . , a party must state with particularity the circumstances constituting fraud”). Therefore, the complaint will be dismissed. A separate Order accompanies this Memorandum Opinion.


United States District Judge

Date: November 17, 2011