

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JAN 17 2012

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

RAYNOLDO BANKS,

Plaintiff,

v.

FOOD AND DRUG ADMINISTRATION,

Defendant.¹

Civil Action No. **12 0065**

MEMORANDUM OPINION

This matter comes before the court on review of the plaintiff's application to proceed *in forma pauperis* and *pro se* civil complaint. The court will grant the application, and dismiss the complaint.

The Court has reviewed the plaintiff's complaint, keeping in mind that complaints filed by *pro se* litigants are held to less stringent standards than those applied to 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 of the claim showing that the pleader is entitled to relief, and a demand for judgment for the relief the pleader seeks. Fed. R. Civ. P. 8(a). The purpose of the minimum standard of Rule 8 is to give fair notice to the defendant of the claim being

¹ Although the plaintiff named the "Federal Druge Aminstrions" as the party defendant, and the Court presumes that he intended to sue the Food and Drug Administration.

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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).

It appears that the plaintiff has been prescribed the drug risperidal, and he complains of its side effects. Wholly absent from the pleading are any factual allegations, without which the plaintiff cannot assert any entitlement to the monetary damages he demands. As drafted, the complaint fails to comply with Rule 8(a), and it will be dismissed.

An Order consistent with this Memorandum Opinion is issued separately.

DATE:

Jan. 11, 2012


United States District Judge