

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

APR 24 2012

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

KEVIN FENNICK,

Plaintiff,

v.

DAMON SAMS, *et al.*,

Defendants.

Civil Action No. **12 0642**

MEMORANDUM OPINION

This matter is before the Court on plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. The Court will grant the application and dismiss the complaint.

Plaintiff alleges that he created a company called Dfs Entertainment in 1993, and that this company was to "promot[e] acting and all other aspects of the entertainment industry." Compl.

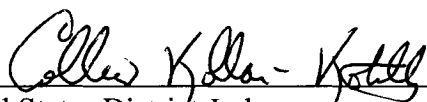
¶ 1. It appears that the registration of the company name expired, at which time defendant "Sams licensed the company name" as "an act of revenge" for plaintiff's lawsuit against John Staco. *Id.* ¶ 5. Plaintiff brings "civil conspiracy charges against Damon Sams and the company," and he demands damages of \$25 million. *Id.* ¶ 6.

The elements of civil conspiracy are "(1) an agreement between two or more persons; (2) to participate in an unlawful act, or a lawful act in an unlawful manner; (3) an injury caused by an unlawful overt act performed by one of the parties to the agreement; (4) which overt act was done pursuant to and in furtherance of the common scheme." *Halberstam v. Welch*, 705 F.2d 472, 477 (D.C. Cir. 1983). Absent from plaintiff's pleading are any factual allegations relating to any of the elements of a conspiracy claim. As drafted, the complaint fails to state a claim

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upon which relief can be granted, and, therefore, the complaint will be dismissed. An Order accompanies this Memorandum Opinion.


United States District Judge

DATE: April 14, 2012