

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

**MAY 10 2013**

**Clerk, U.S. District and  
Bankruptcy Courts**

Xavier Flores, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 District Department of Transportation, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Civil Action No.

13-681

MEMORANDUM OPINION

This matter is before the Court on 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) (requiring dismissal of a case upon a determination that the complaint fails to state a claim upon which relief may be granted).

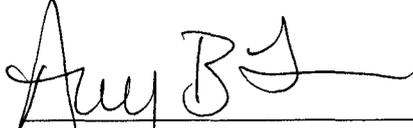
Plaintiff, a homeless individual who submitted more than 30 mostly cryptic complaints within the first two weeks of March alone, sues the “District Department of Transportation” purportedly under the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101 *et seq.* He alleges only that “one of the buses denied a ride.” Compl. at 1.

A plaintiff’s “allegations must be enough to raise a right to relief above the speculative level . . . .” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (citations omitted); *see Aktieselskabet AF 21. Nov. 2001 v. Fame Jeans, Inc.*, 525 F.3d 8, 16 n.4 (D.C. Cir. 2008) (“We have never accepted ‘legal conclusions cast in the form of factual allegations’ because a complaint needs some information about the circumstances giving rise to the claims.”) (quoting

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*Kowal v. MCI Commc'ns Corp.*, 16 F.3d 1271, 1276 (D.C. Cir. 1994)). Plaintiff does not allege that the denial was because of a disability and, therefore, has failed to state a claim under the ADA. In addition, plaintiff has not named a proper defendant. A separate Order of dismissal accompanies this Memorandum Opinion.

  
United States District Judge

Date: May 3, 2013