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

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

Ameer Flippin,

Plaintiff,

v.

Chex Systems, Inc. *et al.*,

Defendants.

Civil Action No. 19-3052 (UNA)

MEMORANDUM OPINION AND ORDER

Plaintiff, appearing *pro se*, has moved to proceed *in forma pauperis* in this action styled “Complaint for Negligent Noncompliance and Willful Violation of Disclosure Requirements Under the Fair Credit Reporting Act [“FCRA”], Title 15, USC, §§ 1681, and Federal Rules of Civil Procedure 8(a) Filed by Ameer Flippin.” In addition to naming defendant Chex Systems, Inc., which is a consumer reporting agency as defined by the Act, *see* www.chexsystems.com, plaintiff has named the District of Columbia, D.C. Mayor Muriel Bower in her official and individual capacities, the D.C. Board of Elections & Ethics, and the D.C. Office of Campaign Finance (“governmental defendants”).

The statute governing *in forma pauperis* proceedings requires that the Court screen and dismiss “the case at any time” it determines that the action fails to state a claim on which relief may be granted. 28 U.S.C. § 1915(e)(2)(B). Such applies to plaintiff’s complaint against the governmental defendants because, as explained below, the complaint does not “contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

The FCRA was enacted in 1970 “to ensure fair and accurate credit reporting, promote efficiency in the banking system, and protect consumer privacy.” *Abdelfattah v. U.S. Dep't of Homeland Sec.*, 787 F.3d 524, 543 (D.C. Cir. 2015) (quoting *Safeco Ins. Co. of America v. Burr*, 551 U.S. 47 (2007)). To that end, it “prohibits consumer reporting agencies from ‘furnish[ing] a consumer report’ except under specified conditions, and it forbids any person from ‘us[ing] or obtaining’ a consumer report unless it is obtained for certain permissible purposes identified in the statute.” *Id.* (quoting 15 U.S.C. § 1681b(a),(f)) (alterations in original)). The FCRA “provides a private cause of action against ‘[a]ny person’ who willfully or negligently fails to comply with its requirements.” *Abdelfattah*, 787 F.3d at 543-44. The definition of person includes a “government or governmental subdivision or agency,” 15 U.S.C. § 1681a(b), which has certain obligations with regard to obtaining or using information “about a consumer from a credit reporting agency.” *Abdelfattah*, 787 F.3d at 543; *see id.* (noting that “a governmental agency may obtain basic identifying information about a consumer from a credit reporting agency,” but “it must generally seek a court order or subpoena” to obtain “more detailed information”).

Plaintiff alleges, without specifying when or how, that each governmental defendant is “believed to have created a bogus credit report identity profile similar to the name Ameer Flippin to create credit worthiness, credit standings, and other credit information as a consumer to third parties.” Compl. ¶¶ 3-7. That allegation, to the extent intelligible, simply fails to state a claim against the governmental defendants.

Accordingly, it is

ORDERED that plaintiff’s motion for leave to proceed *in forma pauperis* [Dkt.

2] is **GRANTED**; it is further

ORDERED that pursuant to 28 U.S.C. § 1915(e)(2)(B), the complaint against the District of Columbia, Mayor Muriel Bowser, the D.C. Board of Elections & Ethics, and the D.C. Office of Campaign Finance is **DISMISSED**; and it is further

ORDERED that pursuant to LCvR 40.5(a)(3), the Deputy Clerk shall assign the remainder of this case to Chief Judge Beryl A. Howell as related to *Flippin v. U.S. Dep't of Interior*, No. 19-cv-01221 (BAH).

Date: November 14, 2019


United States District Judge