

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BRENDA C. ARMSTEAD,

Petitioner,

v.

PATRICIA WILLIAMS,

Respondent.

ORDER

02-C-688-C

Petitioner Brenda Armstead has requested leave to proceed in forma pauperis in this civil action for monetary relief, pursuant to 28 U.S.C. § 1915. From the affidavit of indigency accompanying petitioner's proposed complaint, I conclude that petitioner is unable to prepay the fees and costs of instituting this lawsuit. In addressing any pro se litigant's complaint, the court must construe the complaint liberally, Haines v. Kerner, 404 U.S. 519, 521 (1972), and grant leave to proceed in forma pauperis if there is an arguable basis for a claim in fact or law. 28 U.S.C. § 1915(e)(2).

Petitioner's request for leave to proceed will be denied. First, petitioner's complaint is not signed as required by the Federal Rules of Civil Procedure. See Fed. R. Civ. P. 11(a) ("Every pleading . . . shall be signed by at least one attorney of record in the attorney's

individual name, or, if the party is not represented by an attorney, shall be signed by the party.”) More fundamentally, petitioner has failed to allege *any* facts supporting her claim. Rather, her complaint consists entirely of a list of phrases, which are presumably intended to be causes of action, such as “1st Amend. U.S. Const.,” “Conspiracy,” “Disparagement,” “Illegal Forfeiture,” “Warsaw Pact,” “Indecent Assault,” “carnal abuse,” “aberrant behavior,” “Predatory Pricing” and “70% innocent prosecutions/executions.” In order to state a claim upon which relief may be granted, a party must provide the “defendant fair notice of what the plaintiff’s claim is and the grounds upon which it rests.” Leatherman v. Tarrant County Narcotics Intelligence and Coordination Unit, 507 U.S. 163, 168 (1993). Petitioner has failed to give respondent notice of the claim against her. It is impossible to tell from petitioner’s complaint what respondent has done or why petitioner believes respondent has violated her rights.

Furthermore, when the claims in a complaint are “so insubstantial, implausible, foreclosed by prior decisions of [the United States Supreme Court], or otherwise completely devoid of merit as not to involve a federal controversy,” a district court may dismiss a complaint for lack of subject matter jurisdiction. Steel Company v. Citizens for a Better Environment, 523 U.S. 83 (1998) (quoting Oneida Indian Nation of New York v. County of Oneida, 414 U.S. 662, 666 (1974)). Because petitioner’s complaint contains no allegations of fact supporting her belief that respondent has violated her rights, petitioner

has failed to show that there is a “case or controversy” between herself and the respondent within the meaning of Article III of the Constitution. Accordingly, this case will be dismissed for lack of jurisdiction.

I note that earlier this year, the Supreme Court of Florida sanctioned petitioner for filing more than 20 frivolous and “incomprehensible” petitions within a year’s time. See Armstead v. State, 817 So.2d 841 (Fla. 2002). Petitioner should be aware that federal courts share the Supreme Court of Florida’s view that “the resources of our court system are finite and must be reserved for the resolution of genuine disputes.” Id. (quoting Rivera v. State, 728 So.2d 1165, 1166 (Fla. 1998). “Frivolous, vexatious and repeated filings by pro se litigants interfere with the orderly administration of justice by diverting scarce judicial resources from cases having merit.” United States ex rel. Verdone v. Circuit Court for Taylor County, 73 F.3d 669, 671 (7th Cir. 1995). Petitioner is advised that this court will not hesitate to impose sanctions if she continues to file lawsuits without any arguable basis in law or fact.

ORDER

IT IS ORDERED that petitioner Brenda Armstead’s request for leave to proceed in

forma pauperis is DENIED and this case is DISMISSED for lack of jurisdiction.

Entered this 30th day of December, 2002.

BY THE COURT:

BARBARA B. CRABB
District Judge