

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LESLIE ANN KELLY, : CIVIL ACTION
Plaintiff, :
 :
v. :
 :
KNIGHT RIDDER CORPORATION, :
Defendant. : No. 03-4889

MEMORANDUM AND ORDER

J. M. KELLY, J. **SEPTEMBER** , **2003**

Presently before the Court is a Motion to Proceed In Forma Pauperis accompanied by a Complaint ("Complaint") and six styled Motions ("Motions")¹ filed by pro se Plaintiff Leslie Ann Kelly ("Plaintiff"). Plaintiff's Complaint names as its only Defendant, Knight Ridder Corporation ("Defendant"), but appears to allege claims against numerous other named individuals. On the Designation Form, used by the Clerk's Office to assign cases to the appropriate calendar, Plaintiff marked her matter as a Complaint for a civil rights violation, but fails to allege any specific civil rights violations in her Complaint.

Plaintiff seeks permission to file her Complaint in forma

¹ The Motions, dated August 29, September 2, 4, 5, 8, and 10, 2003, seem to request, inter alia, the following: (1) a subpoena upon Defendant to obtain discovery regarding any monetary donations Defendant may be withholding from her; (2) that Defendant and any other "people" be held criminally liable for anything they may or may not have done to harm Plaintiff; (3) protection from various individuals; (4) a criminal investigation of several people; (5) that the Court provide real estate, diamonds, cruise tickets, dance lessons, and other things to the Plaintiff; (6) that Plaintiff's dental and eyeglasses bills be paid; and (7) that the Court consider two poems written by Plaintiff.

pauperis pursuant to 28 U.S.C. § 1915. For the following reasons, Plaintiff's Motion to Proceed In Forma Pauperis is **GRANTED** and her Complaint is **DISMISSED WITHOUT PREJUDICE**.²

Under § 1915(a), a Court can allow a litigant to proceed without the prepayment of the required filing fee upon a showing of indigence. Deutsch v. United States, 67 F.3d 1080, 1084 n.5 (3d Cir. 1995). Plaintiff is unemployed, without valuable property, and apparently receives around \$1000 annually in gifts, freelance work, and donations. Therefore, after reviewing Plaintiff's application, this Court finds that Plaintiff qualifies as indigent, and it is **ORDERED** that her Motion to Proceed In Forma Pauperis is **GRANTED**.

However, Plaintiff's Complaint must be dismissed under § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted as Plaintiff failed to comply with Federal Rule of Civil Procedure 8. Rule 8 mandates that a Complaint shall contain: "(1) a short and plain statement of the grounds upon which the court's jurisdiction depends . . . (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief the pleader seeks." Fed. R. Civ. P. 8(a). Plaintiff's Complaint

² If within twenty (20) calendar days from the date of this Order, Plaintiff is able to cure the deficiencies set forth in this Memorandum through an amended pleading, the Court will reopen Plaintiff's case. See Grayson v. Mayview State Hosp., 293 F.3d 103, 108 (3d Cir. 2002).

fails to set forth the grounds upon which this Court's jurisdiction depends, a concise statement of the Plaintiff's claims, and an explanation as to why Plaintiff is entitled to the relief requested against the Defendant. See Id.

Plaintiff's Complaint appears to arise out of an article (the "Article") written about Plaintiff that Plaintiff alleges was published in five newspapers controlled by Defendant.³ Further, Plaintiff alleges that the Article falsely and excessively describes her as mentally ill and, as a result, she alleges several named individuals committed her to an unidentified location on December 26, 2002.⁴ Plaintiff also claims Defendant is withholding or wrongfully distributing donations or opportunities that rightfully belong to the Plaintiff, but does not explain the circumstances surrounding these items.⁵ So, while Plaintiff fails to allege any specific civil rights violations against the Defendant, she does appear to allege that Defendant committed libel and possibly theft, but her Complaint is otherwise vague as to any facts that support her

³ Plaintiff attached photocopies of the Article which ran in The Philadelphia Inquirer, the Albuquerque Journal, and The Burlington Free Press, on December 8, 20, and 28 of 2002 respectively.

⁴ The Defendant is not one of the named individuals.

⁵ These donations may be from readers of Defendant's Article, but the Court will not employ such guesswork at this time.

allegations. Accordingly, it is **ORDERED** that the Complaint is **DISMISSED WITHOUT PREJUDICE**.

It is **FURTHER ORDERED** that Plaintiff's six styled Motions submitted to the Court are **DISMISSED AS MOOT**.⁶

⁶ Pursuant to Federal Rule of Civil Procedure 7, no action will be taken as to Plaintiff's September 3, 2003 Notice, September 11 and 12, 2003 carbon copy letters addressed to "The Court of Appeals," and September 16, 2003 letter submitted to this Court. Rule 7's requirement that parties place requests for relief from the Court in the form of a motion which "shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought." Fed. R. Civ. P. 7(b)(1). Plaintiff's aforementioned papers do not comply with Rule 7 because they do not state with particularity the relief or order sought, or the grounds therefor, and either improperly supplement the Motions or merely advise the Court of matters pending before the United States Court of Appeals for the Third Circuit.

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O R D E R

AND NOW, this day of September, 2003, in consideration of Plaintiff's Motion to Proceed In Forma Pauperis and Complaint (Doc. No. 1), it is **ORDERED** that:

1. Plaintiff's Motion to Proceed In Forma Pauperis is **GRANTED**;
2. Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE**;
3. If within twenty (20) calendar days from the date of this Order, Plaintiff is able to cure the deficiencies set forth in the accompanying Memorandum through an amended pleading, the Court will reopen this matter;
4. The Clerk of Court shall docket the attached paper entitled "Motion," which has been marked as received on September 5, 2003, as a "Motion;" and
5. Plaintiff's six styled Motions (Doc. Nos. 2, 3, 5, 6, 7), including the above-docketed Motion dated September 5, 2003, are **DISMISSED AS MOOT**.

BY THE COURT:

JAMES MCGIRR KELLY, J.