


ANDREWS, U.S. District Judge:

Plaintiff Matthew Jones filed this action against Defendant Town of Bridgeville, Delaware, pursuant to 28 U.S.C. § 1346. Plaintiff proceeds *pro se*. Before the Court is Defendant's motion to dismiss. (D.I. 12).

BACKGROUND

Plaintiff alleges a series of wrongs committed by Troop 5 of the Delaware State Police. (D.I. 2). He alleges that after Troop 5 arrested him for felony assault and felony terroristic threatening, he spent over ten days in jail before his hearing. (*Id.* at 9). He then alleges that he was held for an additional ten hours after posting bail. (*Id.* at 9-10). In addition, he alleges that Troop 5 failed to investigate the abuse he suffered from Linda C. Jones, the woman he believes kidnapped him at birth. (*Id.* at 10-11; D.I. 13 at 71-72). Plaintiff's basis for suing the Town of Bridgeville stems from Troop 5's location in Bridgeville and his attendance of school in Bridgeville while allegedly remaining kidnapped. (D.I. 13 at 71-72).

STANDARD OF REVIEW

Defendant seeks dismissal pursuant to Fed. R. Civ. P. 12(b)(6). (D.I. 12). Under Rule 12(b)(6), a motion to dismiss may be granted only if, accepting the well-pleaded allegations in the complaint as true and viewing them in the light most favorable to the plaintiff, a court concludes that those allegations "could not raise a claim of entitlement to relief." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 558 (2007). "To survive a motion to dismiss under Fed. R. Civ. P. 12(b)(6), a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Williams v. BASF Catalysts LLC*, 765 F.3d 306, 315 (3d Cir. 2014) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)).

Because Plaintiff proceeds *pro se*, his pleading is liberally construed and his Complaint, “however inartfully pleaded must be held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (internal quotation marks omitted).

DISCUSSION

Defendant argues Plaintiff’s Complaint should be dismissed because Plaintiff fails to make any allegations against the Town of Bridgeville. (D.I. 12, ¶¶ 1-6). Even when liberally construing Plaintiff’s Complaint, as the Court must, Defendant is correct. Plaintiff’s Complaint consists of alleged wrongs committed by the Delaware State Police, an entity not under Bridgeville’s control. Bridgeville’s Town Charter does not provide for any power over the Delaware State Police. *See* Bridgeville, Del., C. (Charter) §§ 1-47. Rather, the Delaware State Police finds its origination in 11 Del. C. § 8301, et seq., and the Delaware Code contains the state police’s powers and duties. The case Plaintiff cites, *Johnson v. City of Seaford*, No. 1:12-cv-01680, does not serve as precedent in this case. Unlike the situation here, that case involved the City of Seaford’s own police force, not the Delaware State Police.

Plaintiff’s Complaint, interpreted liberally, could be read to state that he is suing the United States government. However, Plaintiff makes no allegations connecting the Delaware State Police to the United States government. Therefore, Defendant’s motion to dismiss will be granted because Plaintiff fails to state a claim upon which relief can be granted against the Town of Bridgeville, Delaware, or the United States.

CONCLUSION

Because Plaintiff fails to make any allegations against the Town of Bridgeville or the United States government, the Court will grant Defendant’s motion to dismiss. (D.I. 12).

An appropriate order will be entered.

