IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

ROBERT CHARLES LEWIS,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 23-871-CFC
	:	
BEST NIGHT INN,	:	
	:	
Defendant.	:	

Robert Charles Lewis, Pittsgrove, New Jersey. Pro Se Plaintiff.

MEMORANDUM OPINION

April 24, 2024
Wilmington, Delaware

CONNOLLY, Chief Judge:

Plaintiff Robert Charles Lewis appears *pro se* and has been granted leave to proceed *in forma pauperis*. (D.I. 4) The Court proceeds to screen the Complaint (D.I. 2) pursuant to 28 U.S.C. § 1915(e)(2)(B).

I. BACKGROUND

Plaintiff, who was residing in Delaware when he filed this action,[1] names as the sole Defendant the Best Night Inn, located in Delaware. Plaintiff alleges that the owner of the Inn kicked him out when Plaintiff returned to his room during a stay. He seeks "all their assets" in damages and, possibly, punitive damages.[2]

II. LEGAL STANDARDS

A federal court may properly dismiss an action *sua sponte* under the screening provisions of 28 U.S.C. § 1915(e)(2)(B) if "the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief." *Ball v. Famiglio*, 726 F.3d 448, 452 (3d Cir. 2013) (quotation marks omitted); *see also* 28 U.S.C. § 1915(e)(2) (*in forma pauperis* actions). The Court must accept all factual allegations in a complaint as true and take them in the light most favorable to a *pro se* plaintiff. *See Phillips v. County of Allegheny*, 515 F.3d 224, 229 (3d Cir. 2008).

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[1] Plaintiff is currently in a rehabilitation facility in New Jersey.

[2] This portion of the Complaint is illegible.

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).

A complaint is not automatically frivolous because it fails to state a claim. *See Dooley v. Wetzel*, 957 F.3d. 366, 374 (3d Cir. 2020). Rather, a claim is deemed frivolous only where it relies on an "'indisputably meritless legal theory' or a 'clearly baseless' or 'fantastic or delusional' factual scenario.'" *Id.*

The legal standard for dismissing a complaint for failure to state a claim pursuant to § 1915(e)(2)(B)(ii) is identical to the legal standard used when ruling on Rule 12(b)(6) motions. *Tourscher v. McCullough*, 184 F.3d 236, 240 (3d Cir. 1999). A well-pleaded complaint must contain more than mere labels and conclusions. *See Ashcroft v. Iqbal*, 556 U.S. 662 (2009); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). A plaintiff must plead facts sufficient to show that a claim has substantive plausibility. *See Johnson v. City of Shelby*, 574 U.S. 10, 12 (2014) (per curiam). A complaint may not dismissed, however, for imperfect statements of the legal theory supporting the claim asserted. *See id.* at 11.

A court reviewing the sufficiency of a complaint must take three steps: (1) take note of the elements the plaintiff must plead to state a claim; (2) identify

allegations that, because they are no more than conclusions, are not entitled to the assumption of truth; and (3) when there are well-pleaded factual allegations, assume their veracity and then determine whether they plausibly give rise to an entitlement to relief. *Connelly v. Lane Constr. Corp.*, 809 F.3d 780, 787 (3d Cir. 2016). Elements are sufficiently alleged when the facts in the complaint "show" that the plaintiff is entitled to relief. *Iqbal*, 556 U.S. at 679 (quoting Fed. R. Civ. P. 8(a)(2)). Deciding whether a claim is plausible will be a "context-specific task that requires the reviewing court to draw on its judicial experience and common sense." *Id.*

III. DISCUSSION

This Court lacks subject matter jurisdiction over this matter. There is not federal question jurisdiction because Plaintiff brings no federal claims, *see* 28 U.S.C. § 1331 and there is not diversity of citizenship jurisdiction because both Plaintiff and Defendant are Delaware citizens, *see* 28 U.S.C. § 1332(a). Accordingly, this case will be dismissed without prejudice.

IV. CONCLUSION

For the above reasons, the Court will dismiss the Complaint without prejudice.

This Court will issue an Order consistent with this Memorandum Opinion.

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ORDER

At Wilmington on this Twenty-fourth day of April in 2024, for the reasons set forth in the Memorandum Opinion issued this date;

IT IS ORDERED that:

1. The Complaint is **DISMISSED without prejudice**.

2. The Clerk of Court is directed to mark this case **CLOSED**.

Chief Judge