

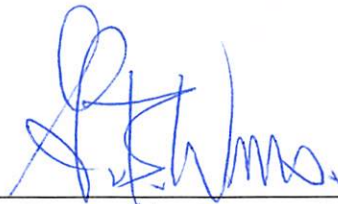
DONICHA MCCANN-CROSS,)
)
 Plaintiff,)
)
 v.) Civil Action No. 25-664-GBW
)
 ZURICH AMERICAN)
 INSURANCE COMPANY,)
)
 Defendant.)

Plaintiff Donicha McCann-Cross, of Dover, Delaware, initiated the above captioned civil action by moving for leave to proceed *in forma pauperis* and filing a complaint *pro se*. (D.I. 1; D.I. 2.) As such, Plaintiff's pleading is subject to this Court's *sua sponte* review and dismissal upon a determination that the pleading is frivolous or malicious, fails to state a claim, or seeks monetary relief from defendants who are immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(B). At this early state of the case, this Court accepts the facts alleged in Plaintiff's *pro se* pleading as true, draws all reasonable inferences in Plaintiff's favor, and asks only whether the complaint, liberally construed, contains facts sufficient to state a plausible claim. *See Shorter v. United States*, 12 F.4th 366, 374 (3d Cir. 2021).

This case arises from a February 11, 2025 collision between a motor vehicle operated by a third party identified as Mr. Bennett and Plaintiff, who was riding a

bicycle at the time, resulting in injury to Plaintiff. (*See* D.I. 2.) The complaint reflects Plaintiff's dissatisfaction with Mr. Bennett's driving, certain representations in the subsequent accident report by a third party identified as Officer Frye, and possibly also the emergency medical technicians who responded to the collision. (*See id.*) The complaint fails to state a claim against Zurich American Insurance Company, which has been named as the only Defendant in this case. (*See id.*) As such, Plaintiff's pleading is deficient, and dismissal is warranted. This Court will grant Plaintiff leave to amend the complaint to state a claim against Defendant and provide factual allegations supporting the claim. Plaintiff may also name additional Defendants to this case in an amended complaint.

THEREFORE, on this 8th day of September 2025, IT IS HEREBY ORDERED that the complaint (D.I. 2) is **DISMISSED** without prejudice to filing an amended complaint in accordance with this Order **on or before October 9, 2025**. Filing an amended complaint that fails to state a claim upon which this Court may grant relief may result in dismissal with prejudice and case closure. Also, filing no amended complaint will result in case closure.



The Honorable Gregory B. Williams
United States District Judge