

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DENNIS SHIPMAN,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 24-1079 (JLH)
)	
DELAWARE STATE POLICE,)	
)	
Defendant.)	
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DENNIS SHIPMAN,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 24-1088 (JLH)
)	
TENSTREET, LLC,)	
)	
Defendant.)	

MEMORANDUM ORDER

Both of these actions were filed by *pro se* Plaintiff Dennis Shipman. The Court granted him leave to proceed *in forma pauperis* in both actions. Accordingly, his pleadings are 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 stage of the case, this Court accepts the facts alleged in Plaintiff's *pro se* pleadings as true, draws all reasonable inferences in his favor, and asks whether the amended complaint, liberally construed, contains facts sufficient to state a plausible claim. *See Shorter v. United States*, 12 F.4th 366, 374 (3d Cir. 2021).

According to the amended complaint in No. 24-1079 (No. 24-1079, D.I. 6), Plaintiff was involved in a traffic incident in 2023 in which "a reckless tractor-trailer driver clipped a 16-

passenger van plaintiff was operating locally, part-time for a senior citizen’s home in New Castle County (DE)” (*Id.* at 3.) According to the amended complaint, Defendant Delaware State Police falsely reported the incident as an “accident,” which Plaintiff says has caused him to be unemployable. (*Id.*) Plaintiff asks for an award of injunctive relief and compensatory and punitive damages against Defendant Delaware State Police.

Plaintiff’s complaint in No. 24-1088 contains similar allegations and further alleges that “plaintiff contacted Shannon Wheeler (Tenstreet LLC), numerous times in writing asking that the CRAs rescind and/or expunge this derogatory entry [read that: false report] from their respective databases.” (No. 24-1088, D.I. 2 at 7.) Plaintiff asks for an award of injunctive relief and compensatory and punitive damages against Defendant Tenstreet, LLC.

Plaintiff’s claims against Defendant Delaware State Police in No. 24-1079 will be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(iii) because the State of Delaware is immune from suit under the Eleventh Amendment. *See P.R. Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc.*, 506 U.S. 139, 144 (1993) (“Absent waiver, neither a State nor agencies acting under its control may be subject to suit in federal court.” (marks omitted)).

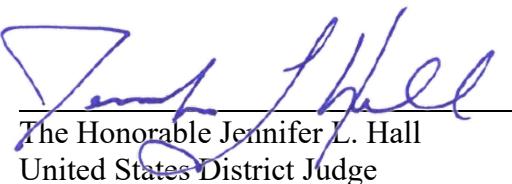
As for Plaintiff’s claims in No. 24-1088, Plaintiff contends that Defendant Tenstreet violated the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* (No. 24-1088, D.I. 2 at 1), but his complaint does not contain factual allegations that plausibly suggest that Defendant Tenstreet is a Credit Reporting Agency or that it furnishes information to a Credit Reporting Agency. Nor does the complaint contain factual allegations that plausibly suggest that Defendant Tenstreet reported any inaccurate information about Plaintiff. Plaintiff also asserts claims against Defendant Tenstreet for tortious interference with contract and defamation because it made “false

statement[s]" and "false accusations" about Plaintiff. (*Id.*) But the complaint does not contain factual allegations to support those assertions.

For these reasons, the amended complaint in No. 24-1079 is DISMISSED with prejudice, as any amendment asserting claims against Defendant Delaware State Police would be futile. Plaintiff's Motion for a temporary restraining order and/or a preliminary injunction (No. 24-1079, D.I. 4) is DENIED as moot. The case will be CLOSED.

The complaint in No. 24-1088 is DISMISSED without prejudice. Plaintiff is GRANTED leave to amend within 30 days to correct the deficiencies. An amended complaint that fails to cure the deficiencies discussed in this Order may result in dismissal without prejudice. The case will be closed if no amended complaint is filed. Plaintiff's Motion for a temporary restraining order and/or a preliminary injunction (No. 24-1088, D.I. 4) is DENIED as moot.

Dated: September 9, 2025



The Honorable Jennifer L. Hall
United States District Judge