UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ROBYN GRIFFITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:21-cv-01938-JPH-MG
	)	
WENDY CLENSY,	)	
	)	
Defendant.	)	

ORDER

I. Granting *in forma pauperis* status

Plaintiff, Robyn Griffith's, motion to proceed *in forma pauperis*, dkt. [2], is **GRANTED**. *See* 28 U.S.C. § 1915(a). While *in forma pauperis* status allows Ms. Griffith to proceed without prepaying the filing fee, she remains liable for the full fees. *Ross v. Roman Catholic Archdiocese of Chicago*, 748 F. App'x 64, 65 (7th Cir. Jan. 15, 2019) ("Under 28 U.S.C. § 1915(a), a district court may allow a litigant to proceed 'without *prepayment* of fees,' . . . but not without *ever* paying fees."). No payment is due at this time.

II. Screening

A. Screening standard

The Court has the inherent authority to screen Ms. Griffith's complaint. *Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir. 1999) ("[D]istrict courts have the power to screen complaints filed by all litigants, prisoners and non-prisoners alike, regardless of fee status."). The Court may dismiss claims within a complaint that fail to state a claim upon which relief may be granted. *See id.*

In determining whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017). To survive dismissal,

> [the] complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). Pro se complaints are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015).

B. The amended complaint[1]

Ms. Griffith alleges that Defendant, Wendy Clensy, "enforced human trafficking by blackmail and bribery saying they worked for the federal government." Dkt. 6 at 4. Ms. Griffith further alleges "discrimination under color of law and ADA," specifically violations of her "civil rights as a federal victim of violent crime with disabilities." *Id.* at 3.

"To state a claim under § 1983, a plaintiff must allege a violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under

[1] Ms. Griffith filed an amended complaint, dkt. 6, without first seeking leave to amend. *See* Fed. R. Civ. P. 15(a)(2). Since *pro se* complaints are held to a less stringent standard than formal pleadings drafted by lawyers, the Court construes Ms. Griffith's amended complaint as requesting leave to amend. *See Perez*, 792 F.3d at 776. The amended complaint, dkt. 6, is now the operative pleading.

color of state law." *L.P. v. Marian Catholic High Sch.*, 852 F.3d 690, 696 (7th Cir. 2017) (internal quotation omitted). Ms. Griffith has not alleged that Ms. Clensy is a "person acting under color of state law." *Id.* Thus, Ms. Griffith's complaint must be **dismissed** for failure to state a claim.

C. Conclusion

Ms. Griffith shall have **through September 3, 2021**, to file an amended complaint or otherwise show cause why this case should not be dismissed for failure to state a claim.

SO ORDERED.

Date: 8/4/2021

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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