

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

Dylan Ford v. Rodneyse Bichotte-Hermelyn, Brian Gotlieb, and Joy
Campanelli

Ford · No. 26-CV-253-CVE-SH · Decided May 4, 2026

SUMMARY

The United States District Court for the Northern District of Oklahoma dismissed Dylan Ford's pro se complaint without prejudice for failure to allege a basis for federal subject-matter jurisdiction. The court found no basis for federal-question or diversity jurisdiction and deemed Ford's motion to proceed in forma pauperis moot.

CASE DETAILS

COURT	United States District Court for the Northern District of Oklahoma
JURISDICTION	United States District Court for the Northern District of Oklahoma
DECIDED	May 4, 2026
DOCKET	26-CV-253-CVE-SH
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court reviewed plaintiff's complaint and motion for leave to proceed in forma pauperis at the outset of the case and sua sponte determined that subject-matter jurisdiction was lacking.
STANDARD OF REVIEW	The court independently reviewed whether subject-matter jurisdiction existed and considered the sufficiency of the pro se jurisdictional allegations.
PRECEDENTIAL VALUE	unpublished district court opinion

TOPICS

- subject matter jurisdiction
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- federal jurisdiction
- civil rights

QUESTIONS PRESENTED

1. Whether the complaint alleged a basis for federal-question jurisdiction.
2. Whether the complaint alleged complete diversity of citizenship and an amount in controversy exceeding \$75,000 sufficient for diversity jurisdiction.
3. Whether the complaint had to be dismissed under Federal Rule of Civil Procedure 12(h)(3) when the court determined that subject-matter jurisdiction was lacking.

HOLDINGS

1. The complaint did not allege facts or legal authority establishing a federal claim, so the court could not exercise federal-question jurisdiction.
2. The complaint did not establish diversity jurisdiction because it alleged neither the citizenship of the parties nor an amount in controversy exceeding \$75,000.
3. Because the court lacked subject-matter jurisdiction, it was required to dismiss the case without prejudice under Federal Rule of Civil Procedure 12(h)(3).

KEY QUOTATIONS

“Plaintiff has not alleged any basis for the Court to exercise subject-matter jurisdiction over this case, and this case is dismissed for lack of subject-matter jurisdiction.”

“IT IS THEREFORE ORDERED that plaintiff’s complaint (Dkt. # 1) is dismissed without prejudice for lack of subject-matter jurisdiction.”

FACTUAL BACKGROUND

Plaintiff Dylan Ford alleged that Brian Gotlieb and Joy Campanelli obstructed justice and that Rodneyse Bichotte-Hermelyn participated in the process. The complaint stated that damages would be determined by a jury but provided no additional factual allegations, legal authority, federal claim, party citizenship, or specified amount of damages.

PROCEDURAL HISTORY

Plaintiff filed a pro se complaint alleging that defendants obstructed justice and that one defendant participated in the process, together with a motion for leave to proceed in forma pauperis. The district court dismissed the complaint without prejudice for lack of subject-matter jurisdiction and found the in forma pauperis motion moot.

DISPOSITION

dismissed

CASES CITED

- Merida Delgado v. Gonzalez, 428 F.3d 916, 919 (10th Cir. 2005)
- Steel Co. v. Citizens for a Better Environment, 523 U.S. 83, 89 (1998)
- New Mexicans for Bill Richardson v. Gonzalez, 64 F.3d 1495, 1499 (10th Cir. 1995)

- *Renne v. Geary*, 501 U.S. 312, 317 (1991)
- *McNutt v. General Motors Acceptance Corp. of Indiana, Inc.*, 298 U.S. 178, 182 (1936)
- *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 514 (2006)
- *Image Software, Inc. v. Reynolds & Reynolds Co.*, 459 F.3d 1044, 1048 (10th Cir. 2006)
- *Tafoya v. U.S. Department of Justice*, 748 F.2d 1389, 1390 (10th Cir. 1984)
- *Haines v. Kerner*, 404 U.S. 519, 520 (1972)
- *Whitney v. New Mexico*, 113 F.3d 1170, 1173-74 (10th Cir. 1997)
- *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991)

OPINION

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA
 DYLAN FORD,)) Plaintiff,)) v.) Case No. 26-CV-253-CVE-SH) RODNEYSE BICHOTTE-
 HERMELYN,) BRIAN GOTLIEB, and JOY CAMPANELLI, —)) Defendants.) OPINION AND
 ORDER Now before the court is plaintiff's complaint (Dkt. # 1) and plaintiff's motion for leave to
 proceed in forma pauperis (Dkt. #2).

Plaintiff Dylan Ford, proceeding pro se, has filed this case alleging that defendants Brian Gotlieb and Joy Campanelli “obstructed justice,” and he claims that defendant Rodneyse Bichotte-Hermelyn “participated in the process.” Dkt. #2, at 1.

The complaint states that the “compensation amount is to be decided by the jury,” but the complaint provides no other information about plaintiff's claims. Federal courts are courts of limited jurisdiction and lack the power to hear any case that is beyond their subject-matter jurisdiction. *Merida Delgado v. Gonzalez*, 428 F.3d 916, 919 (10th Cir. 2005); *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 89 (1998) (defining federal subject-matter jurisdiction as “the courts’ statutory or constitutional power to adjudicate the case”).

The party invoking federal Jurisdiction bears the burden of “alleg[ing] facts demonstrating the appropriateness of invoking judicial resolution of the dispute.” *New Mexicans for Bill Richardson v. Gonzalez*, 64 F.3d 1495, 1499 (10th Cir. 1995) (citing *Renne v. Geary*, 501 U.S. 312, 317 (1991)); *McNutt v. Gen. Motors Acceptance Corp. of Ind., Inc.*, 298 U.S. 178, 182 (1936).

Even if a party has not raised the issue of jurisdiction, federal courts “have an independent obligation to determine whether subject-matter jurisdiction exists.” *Arbaugh v. & HCorp.*, 546 U.S. 500, 514 (2006). A court may raise the issue of subject-matter jurisdiction sua sponte and at any stage of litigation. *Image Software, Inc. v. Reynolds & Reynolds Co.*, 459 F.3d 1044, 1048 (10th Cir.

2006); *Tafoya v. U.S. Dep’t of Just.*, 748 F.2d 1389, 1390 (10th Cir. 1984) (“Insofar as subject matter jurisdiction is concerned, it has long been recognized that a federal court must, sua sponte,

satisfy itself of its power to adjudicate in every case and at every stage of the proceedings and the court is not bound by the acts or pleadings of the parties.”).

Under Federal Rule of Civil Procedure 12(h)(3), if a court raises the issue of subject-matter jurisdiction and finds that it lacks jurisdiction, it must dismiss the case. In cases where the proponent of federal subject-matter jurisdiction is proceeding pro se, as plaintiff is here, a court must hold that litigant’s pleadings to “less stringent standards than formal pleadings drafted by lawyers.” *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

However, a court is in no position to “supply additional factual allegations to round out a plaintiff’s complaint or construct a legal theory on a plaintiff’s behalf.” *Whitney v. New Mexico*, 113 F.3d 1170, 1173-74 (10th Cir. 1997). Put differently, this liberal standard “does not relieve the plaintiff of the burden of alleging sufficient facts on which a recognized legal claim could be based.” *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir.

1991). The Court has reviewed plaintiff’s complaint (Dkt. # 1) and finds no basis to exercise jurisdiction over this case. Plaintiff’s sole factual allegations are that Gotlieb and Campanelli “obstructed justice” and Bichotte-Hermelyn “participated in the process.” Dkt.#1, at 1. Plaintiff cites no legal authority, such as a federal statute or constitutional provision, and it does not appear that he is attempting to state a claim arising under federal law.

Therefore, the Court cannot exercise federal question jurisdiction over this case. Likewise, plaintiff fails to allege that complete diversity exists among the parties or that the amount in controversy exceeds \$75,000. See 28 U.S.C. § 1332(a). Plaintiff does not allege the citizenship of any party and he seeks an unspecified amount of damages, and the Court lacks diversity jurisdiction over this case.

Plaintiff has not alleged any basis for the Court to exercise subject-matter jurisdiction over this case, and this case is dismissed for lack of subject-matter jurisdiction. IT IS THEREFORE ORDERED that plaintiff’s complaint (Dkt. # 1) is dismissed without prejudice for lack of subject-matter jurisdiction. A separate judgment of dismissal is entered herewith.

IT IS FURTHER ORDERED that plaintiff’s motion for leave to proceed in forma pauperis (Dkt. # 2) is moot. DATED this 4th day of May, 2026. (Laas. A — CLAIRE V.EAGAN — UNITED STATES DISTRICT JUDGE