

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO

Travis Johnny Smith v. Bank of America

Smith v. Bank of America · No. 1:25 CV 2774 · Decided March 24, 2026

SUMMARY

The U.S. District Court for the Northern District of Ohio grants Travis Johnny Smith’s motion to proceed in forma pauperis but dismisses his complaint against Bank of America under 28 U.S.C. § 1915(e)(2)(B). The court concludes that the complaint’s unclear and conclusory allegations concerning the use of his state EIN numbers fail to state a plausible claim, and certifies that an appeal could not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio
WRITING FOR THE COURT	Pamela A. Barker
JURISDICTION	U.S. District Court for the Northern District of Ohio
DECIDED	March 24, 2026
DOCKET	1:25 CV 2774
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se prisoner filed an in forma pauperis civil complaint against Bank of America. The district court screened the complaint under 28 U.S.C. § 1915(e)(2)(B) before service.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court screens an in forma pauperis complaint and must dismiss it if it is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from an immune defendant. For failure to state a claim, the complaint must contain sufficient factual matter, accepted as true, to state a facially plausible claim and must provide fair notice of the legal claims and their factual grounds.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion; precedential status is unknown
PARTIES	Travis Johnny Smith v. Bank of America

TOPICS

motions to dismiss

pleadings

civil procedure

commercial litigation

PRACTICE AREAS

Civil procedure

Federal pleading

In forma pauperis screening

Commercial litigation

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim for relief against Bank of America under the federal pleading standards.
2. Whether the complaint was subject to dismissal during mandatory screening under 28 U.S.C. § 1915(e)(2)(B).

HOLDINGS

1. The complaint failed to state a plausible claim because its unclear and conclusory allegations did not identify a cognizable legal claim or provide sufficient factual matter showing that Bank of America was liable.
2. The court dismissed the complaint under 28 U.S.C. § 1915(e)(2)(B) because it failed to state a claim upon which relief could be granted.

KEY QUOTATIONS

“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.” (2)

“Even liberally construed, the unclear and purely conclusory assertions set forth in his complaint fail to meet basic pleading requirements or suggest he has any plausible claim against the Defendant upon which the Court may grant him relief.” (2)

FACTUAL BACKGROUND

Travis Johnny Smith, a prisoner in Kentucky proceeding pro se, filed an in forma pauperis complaint against Bank of America. The complaint appeared to concern an account with the bank, but it did not clearly identify factual allegations or legal claims. Smith alleged only that Bank of America took his state EIN numbers and put them under his Social Security numbers, and he requested that the bank perform its job correctly and stop taking people's property.

PROCEDURAL HISTORY

Plaintiff filed a brief complaint concerning alleged misuse of state EIN numbers and requested that Bank of America correct its conduct. The court granted Plaintiff's motion to proceed in forma pauperis, screened the complaint, and dismissed it for failure to state a plausible claim. The court also certified that an appeal could not be taken in good faith.

DISPOSITION

dismissed

CASES CITED

- Boag v. MacDougall, 454 U.S. 364, 365 (1982) (per curiam)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Pilgrim v. Littlefield, 92 F.3d 413, 416 (6th Cir. 1996)
- Erwin v. Edwards, 22 Fed. App'x 579, 580 (6th Cir. 2001)
- Hill v. Lappin, 630 F.3d 468, 470-71 (6th Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)
- Swierkiewicz v. Sorema N.A., 534 U.S. 506, 514 (2002)
- Bassett v. National Collegiate Athletic Association, 528 F.3d 426, 437 (6th Cir. 2008)
- Lillard v. Shelby County Board of Education, 76 F.3d 716, 726 (6th Cir. 1996)

OPINION

Travis Johnny Smith v. Bank of America

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OHIO

TRAVIS JOHNNY SMITH, Case No. 1: 25 CV 2774 Plaintiff,

-vs- JUDGE PAMELA A. BARKER

BANK OF AMERICA, MEMORANDUM OF OPINION AND
ORDER

Defendant. Background Pro se Plaintiff Travis Johnny Smith, a prisoner in Kentucky, has filed an in forma pauperis civil complaint in this case against Bank of America. His brief complaint (Doc. No. 1) appears to pertain to an account he had with Bank of America, but his pleading does not set forth clear factual allegations or legal claims. Instead, his Statement of Claim simply states that “[t]hey took my state EIN Numbers and put in under my social security numbers.” (Id. at 4, ¶ III.) For relief, he states he is “asking for them to do the[eir] jobs correct and not to steal people[']s things like my EIN numbers I paid for, wrongful doing to my business for these matters.” (Id. at ¶ IV.) Although pro se pleadings are liberally construed and held to less stringent standards than formal pleadings drafted by lawyers, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam); *Haines v. Kerner*, 404 U.S. 519, 520 (1972), the lenient treatment accorded pro se plaintiffs has limits. See e.g., *Pilgrim v. Littlefield*, 92 F.3d 413, 416 (6th Cir.1996). Pro se litigants must still meet basic pleading requirements, and courts are not required to conjure allegations or create claims on their behalf. See *Erwin v. Edwards*, 22 Fed. App'x 579, 580 (6th Cir. 2001). Standard of Review and Discussion District courts are expressly required, under 28 U.S.C. § 1915(e)(2)(B), to

screen all in forma pauperis complaints filed in federal court, and to dismiss before service any such complaint that the court determines is frivolous or malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief. See *Hill v. Lappin*, 630 F.3d 468, 470 (6th Cir. 2010). To survive a dismissal for failure to state a claim, a complaint must set forth “sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Id.* at 470-71 (holding that the dismissal standard articulated in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) for determining a motion to dismiss under Fed. R. Civ. P. 12(b)(6) governs dismissals for failure to state a claim under § 1915(e)(2)(B)). “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.” *Iqbal*, 556 U.S. at 678. Although a complaint need not contain “detailed factual allegations,” it must provide “more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Id.* Additionally, to survive dismissal, federal pleading requirements require that a complaint set forth sufficient allegations to give Defendants and the Court notice of what the plaintiff’s legal claims are and the factual grounds on which they rest. *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 514 (2002); *Bassett v. National Collegiate Athletic Ass’n*, 528 F.3d 426, 437 (6th Cir. 2008). Upon review, the Court finds that Plaintiff’s complaint warrants dismissal pursuant to § 1915(e)(2)(B). Even liberally construed, the unclear and purely conclusory assertions set forth in his complaint fail to meet basic pleading requirements or suggest he has any plausible claim against the Defendant upon which the Court may grant him relief. His allegations, at the most, amount to 2 “an unadorned, the-defendant-unlawfully-harmed-me accusation” and are insufficient to state a plausible claim against the Defendant upon which the Court may grant him relief. See, e.g., *Lillard v. Shelby Cnty. Bd. of Educ.*, 76 F.3d 716, 726 (6th Cir. 1996) (a court is not required to accept summary allegations or unwarranted conclusions in determining whether a complaint states a claim for relief). Conclusion Accordingly, Plaintiff’s motion to proceed in forma pauperis in the case (Doc. No. 2) is granted, his complaint is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B). The Court further certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith. IT IS SO ORDERED. _____

PAMELA A. BARKER

Date: March 24, 2026 U. S. DISTRICT JUDGE 3