

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, MACON DIVISION

Kwane Dozier v. Martinez Finney

Civil Action No. 5:25-cv-516 (MTT) · No. 5:25-cv-516 (MTT) · Decided January 9, 2026

SUMMARY

The United States District Court for the Middle District of Georgia grants Kwane Dozier’s motion to proceed in forma pauperis and screens his trademark complaint under 28 U.S.C. § 1915(e). The court finds that Dozier plausibly alleges false designation of origin and Georgia common-law trademark infringement and unfair competition, but orders him to amend allegations concerning fraudulent procurement of a trademark within twenty-one days.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Macon Division
WRITING FOR THE COURT	Marc T. Treadwell
JURISDICTION	United States District Court for the Middle District of Georgia, Macon Division
DECIDED	January 9, 2026
DOCKET	5:25-cv-516 (MTT)
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff filed a trademark infringement action and moved to proceed in forma pauperis. The district court granted IFP status, screened the complaint under 28 U.S.C. § 1915(e), found some claims plausibly stated and the fraudulent-procurement claim deficient, and ordered plaintiff to amend within twenty-one days.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss an IFP complaint that is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Failure to state a claim is evaluated under the same standard as Federal Rule of Civil Procedure 12(b)(6): the complaint must contain sufficient factual matter to state a claim that is plausible on its face, with well-pleaded facts accepted as true and reasonable inferences construed in the plaintiff’s favor.
PRECEDENTIAL VALUE	Nonprecedential district-court order

TOPICS

trademark infringement

trademark law

pleadings

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motions to dismiss

PRACTICE AREAS

trademark law

trademark infringement

civil procedure

in forma pauperis screening

QUESTIONS PRESENTED

1. Whether Dozier established financial eligibility to proceed in forma pauperis.
2. Whether the complaint plausibly stated a false-designation-of-origin claim under 15 U.S.C. § 1125(a).
3. Whether the complaint plausibly stated common-law trademark infringement and unfair-competition claims.
4. Whether the allegations plausibly stated a fraudulent-procurement claim under 15 U.S.C. § 1120.
5. Whether Dozier should receive an opportunity to amend the deficient fraudulent-procurement claim before dismissal.

HOLDINGS

1. A plaintiff is financially eligible to proceed in forma pauperis when the submitted affidavit demonstrates that poverty prevents the plaintiff from paying court fees and costs while providing necessities for himself and his dependents. Dozier's affidavit established that he was unemployed and had average monthly income of \$0.00, so IFP status was granted.
2. The complaint plausibly stated a claim for false designation of origin under 15 U.S.C. § 1125(a) because it alleged that Martinez used the identical designation in commerce for clothing and children's books in a manner likely to cause consumer confusion regarding affiliation, connection, association, origin, sponsorship, or approval.
3. The complaint plausibly stated Georgia common-law trademark-infringement and unfair-competition claims because Dozier alleged prior and continuous use of the mark, sufficient distinctiveness and consumer association, identical or confusingly similar marks, identical covered goods, and a likelihood of consumer confusion.
4. The complaint did not clearly state a claim under 15 U.S.C. § 1120 because it failed to allege that Martinez had actually procured registration of a trademark; allegations concerning merely filed trademark applications are insufficient to satisfy the registration requirement.
5. A pro se plaintiff should be given an opportunity to amend before dismissal of a deficient claim when amendment may cure the pleading defect. Dozier was ordered to amend within twenty-one days.

KEY QUOTATIONS

“by its terms Section 38, 15 U.S.C. § 1120, does not apply to trademark applications that have not been registered.” (Discussion § B.2)

“Failure to fully and timely comply with this order may result in the dismissal of this action.” (Conclusion)

FACTUAL BACKGROUND

Dozier alleged that he founded and used the brand "Young Black Man Inc." in commerce for clothing, musical recordings, and authored books, and that the brand had acquired recognition and consumer association. He alleged that while he was incarcerated, Martinez filed two federal trademark applications for the identical "Young Black Man" mark covering clothing and children's books, fields in which Dozier claimed prior commercial activity. Dozier asserted false designation of origin, fraudulent trademark procurement, common-law trademark infringement, and unfair competition.

PROCEDURAL HISTORY

Dozier filed the complaint and an application to proceed in forma pauperis. The court found that his financial affidavit established inability to pay filing fees, granted IFP status, and conducted the mandatory screening review. Rather than dismissing the deficient fraudulent-procurement claim immediately, the court gave Dozier twenty-one days to amend and warned that failure to comply could result in dismissal.

DISPOSITION

other

CASES CITED

- Brown v. Tallahassee Police Dep't, 205 F. App'x 802, 802 (11th Cir. 2006)
- Lopez v. Aransas Cty. Indep. Sch. Dist., 570 F.2d 541, 544 (5th Cir. 1978)
- Bonner v. City of Prichard, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc)
- Martinez v. Kristi Kleaners, Inc., 364 F.3d 1305, 1306 n.1, 1307 (11th Cir. 2004)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 338-40 (1948)
- Carroll v. Gross, 984 F.2d 392, 393 (11th Cir. 1993)
- Thomas v. Harris, 399 F. App'x 508, 509 (11th Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- In re Galectin Therapeutics, Inc. Sec. Litig., 843 F.3d 1257, 1269 n.4 (11th Cir. 2016)
- Garfield v. NDC Health Corp., 466 F.3d 1255, 1261 (11th Cir. 2006)
- Custom Mfg. & Eng'g, Inc. v. Midway Servs., Inc., 508 F.3d 641, 647 (11th Cir. 2007)
- Univ. of Fla. v. KPBB, Inc., 89 F.3d 773, 775-76 (11th Cir. 1996) (per curiam)
- GMA Accessories, Inc. v. Idea Nuova, Inc., 157 F. Supp. 2d 234, 242 (S.D.N.Y. 2000)
- CCA & B, LLC v. F + W Media, Inc., 819 F. Supp. 2d 1310, 1324 (N.D. Ga. 2011)
- Planetary Motion, Inc. v. Techsplosion, Inc., 261 F.3d 1188, 1193 (11th Cir. 2001)

- Lone Star Steakhouse & Saloon, Inc. v. Longhorn Steaks, Inc., 106 F.3d 355, 360 (11th Cir. 1997)
- Tarsus Connect, LLC v. Cvent, Inc., 452 F. Supp. 3d 1334, 1357 (N.D. Ga. 2020)
- Dieter v. B & H Indus. of Sw. Fla., Inc., 880 F.2d 322, 326 (11th Cir. 1989)
- Duff v. Steub, 378 F. App'x 868, 872 (11th Cir. 2010)
- Hoefling v. City of Miami, 811 F.3d 1271, 1277 (11th Cir. 2016)

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