

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Brett Alan Hodson v. US Court Western District

Hodson · No. CIV-26-00010-JD · Decided January 6, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma strikes Brett Alan Hodson’s pro se complaint for failing to satisfy Federal Rule of Civil Procedure 8 and pleading-plausibility requirements. The court grants leave to amend by January 27, 2026, and warns that failure to amend or comply with procedural rules will result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	January 6, 2026
DOCKET	CIV-26-00010-JD
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se civil-rights complaint. On initial review, the district court struck the complaint for failure to comply with Federal Rule of Civil Procedure 8 and controlling pleading precedent, while granting leave to amend.
STANDARD OF REVIEW	The court reviewed the pro se complaint for compliance with Federal Rule of Civil Procedure 8 and whether it stated a plausible claim for relief under <i>Bell Atlantic Corp. v. Twombly</i> and <i>Ashcroft v. Iqbal</i> .
PRECEDENTIAL VALUE	Unknown

TOPICS

pleadings civil procedure

PRACTICE AREAS

civil procedure civil rights

QUESTIONS PRESENTED

- Whether the complaint complied with Federal Rule of Civil Procedure 8(a)(2) and 8(d).

2. Whether the complaint alleged sufficient factual content to state a plausible claim for relief under Twombly and Iqbal.
3. Whether the court should permit amendment rather than dismiss the action immediately.

HOLDINGS

1. A complaint that consists of conclusory allegations and lacks factual assertions identifying the alleged actors, conduct, timing, and basis for liability fails to comply with Rule 8 and does not adequately state a claim.
2. Liberal construction of a pro se complaint does not authorize the court to supply additional factual allegations or construct a claim on the plaintiff's behalf.
3. Because the deficiencies could potentially be cured through amendment, the court struck the complaint and granted Plaintiff leave to file an amended complaint rather than dismissing the action immediately.

KEY QUOTATIONS

“The Federal Rules of Civil Procedure require that a complaint contain “a short and plain statement of the claim showing that the pleader is entitled to relief.””

“Here, Plaintiff’s Complaint consists of conclusory allegations, without supporting factual assertions explaining who engaged in the alleged conduct, what actions were taken, when they occurred, or how those actions plausibly give rise to a cognizable legal claim.”

“Accordingly, the Court STRIKES Plaintiff’s Complaint [Doc. No. 1]. However, the Court will give Plaintiff an opportunity to cure the deficiencies by filing an amended complaint by the deadline set forth in this Order.”

FACTUAL BACKGROUND

Plaintiff proceeded pro se and filed a complaint asserting allegations that the court found conclusory. The complaint did not provide supporting factual assertions identifying the actors, conduct, timing, or facts plausibly connecting the alleged conduct to a cognizable legal claim.

PROCEDURAL HISTORY

Brett Alan Hodson filed his complaint on January 5, 2026. The district court determined that the complaint consisted of conclusory allegations and did not identify who engaged in the alleged conduct, what actions were taken, when they occurred, or how those actions plausibly supported a cognizable legal claim. The court struck the complaint, granted leave to file an amended complaint by January 27, 2026, and warned that failure to amend would result in dismissal without prejudice.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Plaintiff was granted leave to file an amended complaint by January 27, 2026. Failure to do so, or failure to comply with the order and cited authorities, would result in dismissal without prejudice.

CASES CITED

- Mann v. Boatright, 477 F.3d 1140, 1148 (10th Cir. 2007)
- Haines v. Kerner, 404 U.S. 519 (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)
- Kay v. Bemis, 500 F.3d 1214, 1217 (10th Cir. 2007)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA
BRETT ALAN HODSON,)) Plaintiff,)) v.) Case No. CIV-26-00010-JD)
US COURT WESTERN DISTRICT,)) Defendant.) ORDER Plaintiff Brett Alan Hodson, appearing pro se, filed his Complaint [Doc. No. 1] on January 5, 2026. Upon review, the Court strikes the Complaint for failure to comply with Federal Rule of Civil Procedure 8 and controlling Supreme Court and Tenth Circuit precedent.

The Federal Rules of Civil Procedure require that a complaint contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Rule 8(d) further requires that “[e]ach allegation must be simple, concise, and direct.” Fed. R. Civ. P. 8(d). “Rule 8 serves the important purpose of requiring plaintiffs to state their claims intelligibly so as to inform the defendants of the legal claims being asserted.” Mann v. Boatright, 477 F.3d 1140, 1148 (10th Cir.

2007). In reviewing the Complaint, the Court is mindful that Haines v. Kerner, 404 U.S. 519 (1972), requires a liberal construction of pro se complaints. However, the Court may not “supply additional factual allegations to round out a plaintiff’s complaint...” Whitney v. New Mexico, 113 F.3d 1170, 1173–74 (10th Cir. 1997) (citing Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir.

1991)). Plaintiff bears “the burden of alleging sufficient facts on which a recognized legal claim could be based.” Hall, 935 F.2d at 1110. “[C]onclusory allegations without supporting factual averments are insufficient to state a claim on which relief can be based.” Id. “Dismissal of a pro se complaint for failure to state a claim is proper only where it is obvious that the plaintiff cannot prevail on the facts he has alleged, and it would be futile to give him an opportunity to amend.” Kay v. Bemis, 500 F.3d 1214, 1217 (10th Cir.

2007) (citation omitted). A complaint must contain “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp v. Twombly*, 550 U.S. 544, 570 (2007). “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).

Here, Plaintiff’s Complaint consists of conclusory allegations, without supporting factual assertions explaining who engaged in the alleged conduct, what actions were taken, when they occurred, or how those actions plausibly give rise to a cognizable legal claim.

The Complaint therefore fails to state a plausible claim for relief under *Twombly* and *Iqbal*. Accordingly, the Court STRIKES Plaintiff’s Complaint [Doc. No. 1]. However, the Court will give Plaintiff an opportunity to cure the deficiencies by filing an amended complaint by the deadline set forth in this Order. IT IS THEREFORE ORDERED that Plaintiff is granted leave to file an amended complaint by January 27, 2026, as set forth in this Order.

Failure to file an amended complaint by January 27, 2026, complying with this Order and the authorities referenced herein will result in the dismissal of this action without prejudice. The Court specifically warns Plaintiff that failure to comply with the rules of procedure and court orders will result in the dismissal of his case without prejudice. See Fed.

R. Civ. P. 16(f); 41(b); see also *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (recognizing the “‘inherent power’... necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases”). IT IS SO ORDERED this 6th day of January 2026. UNITED STATES DISTRICT JUDGE