

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA

Alyssa Dowling v. Eric Komitee

Dowling v. Komitee, No. 1:26-CV-233-HAB-ALT (N.D. Ind. May 19, 2026) · No. 1:26-CV-233-HAB-ALT ·
Decided May 19, 2026

SUMMARY

The United States District Court for the Northern District of Indiana denied Alyssa Dowling’s motion to proceed in forma pauperis and dismissed her civil rights complaint against Eric Komitee. The court found that the financial information in the IFP application was incomplete and that the threadbare allegations failed to state a claim. It also determined that the action was malicious in light of substantially identical complaints filed in multiple district courts and dismissed the case without leave to amend.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana
WRITING FOR THE COURT	Holly A. Brady
JURISDICTION	United States District Court for the Northern District of Indiana
DECIDED	May 19, 2026
DOCKET	1:26-CV-233-HAB-ALT
DISPOSITION	dismissed
PROCEDURAL POSTURE	The pro se plaintiff filed a civil-rights complaint and moved to proceed in forma pauperis. The district court denied the in forma pauperis motion and dismissed the complaint without leave to amend under 28 U.S.C. § 1915(e)(2)(B).
STANDARD OF REVIEW	The court screened the complaint under 28 U.S.C. § 1915(e)(2)(B), applying the same standard used for a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). Factual allegations were accepted as true and construed liberally because the plaintiff proceeded pro se.
PRECEDENTIAL VALUE	unknown
PARTIES	Alyssa Dowling v. Eric Komitee

TOPICS

motions to dismiss

section 1983

pleadings

civil procedure

civil rights

PRACTICE AREAS

civil procedure

civil rights

QUESTIONS PRESENTED

1. Whether Dowling met the requirements to proceed in forma pauperis under 28 U.S.C. § 1915.
2. Whether the complaint stated a claim for relief under the federal pleading standard.
3. Whether the repeated filing of the same threadbare complaint constituted malicious conduct warranting dismissal under 28 U.S.C. § 1915(e)(2)(B)(i).
4. Whether Dowling should be granted leave to amend.

HOLDINGS

1. The court could not grant Dowling's request to proceed in forma pauperis because her financial disclosures were incomplete, inaccurate, or inconsistent, and did not adequately explain how she met her basic living expenses despite reporting no income.
2. The complaint failed to state a claim because the bare assertions that Komitee displayed discrimination and failed to show due respect did not provide sufficient factual detail, identify the defendant's conduct, or establish the basis for relief.
3. The action was malicious within the meaning of 28 U.S.C. § 1915(e)(2)(B)(i) because the identical threadbare complaint was filed in numerous district courts in circumstances indicating an intent to harass the defendant, the courts, or both.
4. Leave to amend was denied because it was certain from the face of the complaint that amendment would be futile or otherwise unwarranted.

KEY QUOTATIONS

“Dowling’s Motion for Leave to Proceed In Forma Pauperis (ECF No. 2) is **DENIED** and the Complaint (ECF No. 1) is **DISMISSED** without leave to amend.”

“This kind of mass-filing of a threadbare claim is certainly “malicious” in the context of Section 1915(e)(2)(B)(i) given that it appears “intended to harass.””

FACTUAL BACKGROUND

Dowling alleged only that Komitee had displayed discrimination and failed to show due respect. She did not identify Komitee, explain the factual basis for the court's jurisdiction, or provide context for the alleged misconduct. She filed materially identical complaints against the same defendant in at least nine district courts, while listing a Wichita, Kansas address and mailing the filings from New Jersey.

PROCEDURAL HISTORY

Dowling filed a complaint alleging that Komitee displayed discrimination and failed to show due respect, together with an application to proceed in forma pauperis. Before service, the court evaluated both the financial sufficiency of the application and the sufficiency of the complaint. The court denied IFP status and dismissed the action without leave to amend because the complaint failed to state a nonfrivolous claim and appeared malicious.

DISPOSITION

dismissed

CASES CITED

- Neitzke v. Williams, 490 U.S. 319 (1989)
- Merritte v. Templeton, 493 F. App'x 782, 784 (7th Cir. 2012)
- Campbell v. Clarke, 481 F.3d 967, 970 (7th Cir. 2007)
- Rowe v. Shake, 196 F.3d 778, 783 (7th Cir. 1999)
- Luevano v. Wal-Mart Stores, Inc., 722 F.3d 1014, 1018, 1027 (7th Cir. 2013)
- EEOC v. Concentra Health Serv., Inc., 496 F.3d 773, 776–77 (7th Cir. 2007)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Swanson v. Citibank, N.A., 614 F.3d 400, 404 (7th Cir. 2010)
- Coleman v. Dunlap, 695 F.3d 650, 652 (7th Cir. 2012)
- Imbler v. Pachtman, 424 U.S. 409, 422–24 (1976)
- Lindell v. McCallum, 352 F.3d 1107, 1109 (7th Cir. 2003)
- Simons v. Basu et al., No. 1:26-cv-1142, 2026 WL 1005067, at *2 (C.D. Ill. April 14, 2026)
- Carpenter v. PNC Bank, Nat. Ass'n, 633 Fed. App'x 346, 348 (7th Cir. 2016)

OPINION

Dowling

PER CURIAM.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF INDIANA

FORT WAYNE DIVISION

ALYSSA DOWLING,

Plaintiff,

v. CASE NO. 1:26-CV-233-HAB-ALT

ERIC KOMITEE,

Defendant.

OPINION AND ORDER

Pro se Plaintiff Alyssa Dowling filed a civil rights Complaint against Defendant Eric Komitee alleging he “displayed discrimination” and “failed to show due respect.” (ECF No. 1). Along with her Complaint, Dowling filed a motion to proceed in forma pauperis. (ECF No. 2). Ordinarily, a plaintiff must pay a statutory filing fee to bring an action in federal court. 28 U.S.C. § 1914(a). However, the federal in forma pauperis (IFP) statute, 28 U.S.C. § 1915, provides indigent litigants an opportunity for meaningful access to the federal courts despite their inability to pay the costs and fees associated with that access. See *Neitzke v. Williams*, 490 U.S. 319 (1989). To authorize a litigant to proceed IFP, a court must make two determinations: first, whether the litigant is unable to pay the costs of commencing the action, § 1915(a)(1); and second, whether the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief, § 1915(e)(2)(B). In a Chapter 7 Bankruptcy case, the filing fee may be waived “if the court determines that such individual has income less than 150 percent of the income official poverty line. . .” 28 U.S.C. § 1930(f)(1).¹ This is not a Bankruptcy case, but the judicial discretion afforded by 28 U.S.C. § 1915 permits 1 See <https://www.uscourts.gov/sites/default/files/document/poverty-guidelines.pdf> (150% Poverty Guideline table). application of the same threshold. See *Merritte v. Templeton*, 493 F. App’x 782, 784 (7th Cir. 2012) (“Courts have wide discretion to decide whether a litigant is impoverished.”). The Poverty Line is set annually by the United States Department of Health and Human Services. 42 U.S.C. § 9902. In her IFP application, Dowling attests she is unemployed and has no income from any source. She further claims she has limited assets—\$90 in cash—and regular monthly expenses of \$800–900. She denies having any dependents or debts, and she has declined to list her marriage status. To determine whether a litigant lacks the means to pay the filing fee, this court requires litigants seeking to proceed IFP to disclose, in dollar amounts, all income received over the last 12 months. Her application maintains she has no income but substantial financial obligations, but does not address how Dowling maintains a residence or provides herself with the basic necessities of life (such as food and housing). Courts rely on litigants to provide complete and honest information about their finances, and judges cannot merely rubber-stamp IFP applications that appear to contain incomplete, inaccurate, or inconsistent information. See *Campbell v. Clarke*, 481 F.3d 967, 970 (7th Cir. 2007). Accordingly, at present the Court cannot grant her request to proceed IFP. The Court’s inquiry does not end there, however. In assessing whether a plaintiff may proceed IFP, a court must look to the sufficiency of the complaint to determine whether it can be construed as stating a claim for which relief can be granted or seeks monetary relief against a defendant who is immune from such relief. *Id.* §1915(e)(2)(B). District courts have the power under 28 U.S.C. § 1915(e)(2)(B) to screen complaints even before service of the complaint on the defendants and must dismiss the complaint if it fails to state a claim. *Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir. 1999). Courts apply the same standard under 28 U.S.C. § 1915(e)(2)(B) as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014, 1018, 1027 (7th Cir. 2013). To state a

claim under the federal notice pleading standards, a complaint must set forth a “short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Factual allegations are accepted as true and need only give “fair notice of what the . . . claim is and the grounds upon which it rests.” *EEOC v. Concentra Health Serv., Inc.*, 496 F.3d 773, 776–77 (7th Cir. 2007) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). The Complaint need not provide overly detailed factual allegations, but it must provide enough factual support to raise the plaintiff’s right to relief above a speculative level. *Twombly*, 550 U.S. at 555. The complaint must provide more than “unadorned the-defendant[s]-unlawfully-harmed-me accusation[s].” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citation omitted). Dowling’s Complaint is threadbare, stating only that the Defendant “displayed discrimination” and “failed to show due respect.” (ECF No. 1). Even construing the Complaint liberally, as the Court must given his pro se status, Ford’s allegations blatantly fail to state a claim. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (providing that a pro se complaint “must be held to less stringent standards than formal pleadings drafted by lawyers . . .”). A plaintiff “must give enough details about the subject-matter of the case to present a story that holds together.” *Swanson v. Citibank, N.A.*, 614 F.3d 400, 404 (7th Cir. 2010). Here, Dowling does not explain who the Defendant is or what basis she has for filing in this court, and she utterly fails to provide any context whatsoever for her allegations.² These failures alone warrant dismissal. ² Given the Defendant’s unique name, it is quite possible that the Defendant is a United States District Judge for the Eastern District of New York. If this is the case, Dowling cannot pursue a claim against any judge who presided over a state court proceeding because judges are immune from liability for actions taken in their official roles. See *Coleman v. Dunlap*, 695 F.3d 650, 652 (7th Cir. 2012); *Imbler v. Pachtman*, 424 U.S. 409, 422–24 (1976). Beyond the scant facts, however, this same Complaint against this same Defendant has been filed in at least nine other district courts around the country on May 18, 2026.³ Each complaint is dated April 18, 2026, and contains the exact same flimsy allegation and demand. Dowling lists her mailing address as Wichita, Kansas, but the envelopes in which she mails her Complaint and IFP application—in this case and the others—is postmarked in New Jersey. (ECF Nos. 1-1; 2-1). This kind of mass-filing of a threadbare claim is certainly “malicious” in the context of Section 1915(e) (2)(B)(i) given that it appears “intended to harass.” *Lindell v. McCallum*, 352 F.3d 1107, 1109 (7th Cir. 2003); see also *Simons v. Basu et al.*, No. 1:26-cv-1142, 2026 WL 1005067, at *2 (C.D. Ill. April 14, 2026) (“Certainly, where a plaintiff files the same complaint with the same two meager allegations—really just the barest possible sentences—in a handful of courts on the same day, that plaintiff intends to harass either the defendant, the given court, or both.”). Although courts generally permit civil plaintiffs at least one opportunity “to amend after dismissing a complaint, that’s unnecessary where, as here, it is certain from the face of the complaint that any amendment would be futile or otherwise unwarranted.” *Carpenter v. PNC Bank, Nat. Ass’n*, 633 Fed. App’x 346, 348 (7th Cir. 2016). Because Dowling has no non-frivolous claim and this action is malicious, the Court will deny her request to proceed IFP and dismiss her case without leave to

amend. 3 See, e.g., Dowling v. Komitee, No. 1:26-cv-314 (D.R.I. May 18, 2026); Dowling v. Komitee, No. 2:26-cv-218 (E.D. Wash. May 18, 2026); Dowling v. Komitee, No. 1:26-cv-391 (D.N.H. May 18, 2026); Dowling v. Komitee, no. 1:26- cv-191 (E.D. Tex. May 18, 2026).

CONCLUSION

Dowling's Motion for Leave to Proceed In Forma Pauperis (ECF No. 2) is DENIED and the Complaint (ECF No. 1) is DISMISSED without leave to amend. SO ORDERED this 19th day of May 2026. s/Holly A. Brady

CHIEF JUDGE HOLLY A. BRADY
UNITED STATES DISTRICT COURT