

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Nkosi Brown; Ann Alfred v. Dwayne Nash

No. 1:24-CV-8200 (LTS) (S.D.N.Y. Nov. 24, 2025) · No. 1:24-CV-8200 (LTS) · Decided November 25, 2025

SUMMARY

The Southern District of New York dismissed pro se plaintiff Nkosi Brown’s action against Dwayne Nash. The court dismissed claims asserted on behalf of another person because Brown was not an attorney, claims seeking criminal prosecution for lack of subject-matter jurisdiction, and state-law claims because the jurisdictional amount was not adequately alleged. The remaining allegations were dismissed as factually frivolous, and leave to amend and in forma pauperis status for an appeal were denied.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Laura Taylor Swain
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	November 25, 2025
DOCKET	1:24-CV-8200 (LTS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff Nkosi Brown filed an in forma pauperis civil action against Dwayne Nash, asserting federal and state-law claims and purporting to represent Ann Alfred. The court sua sponte reviewed the complaint under 28 U.S.C. § 1915(e)(2)(B) and Federal Rule of Civil Procedure 12(h)(3), then dismissed the action and denied in forma pauperis status for an appeal.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), an in forma pauperis complaint must be dismissed if it is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The court must also dismiss claims over which it lacks subject matter jurisdiction under Federal Rule of Civil Procedure 12(h)(3). Pro se pleadings are construed liberally and interpreted to raise the strongest claims they suggest, but they must still comply with Rule 8.

PRECEDENTIAL VALUE	Unknown; district court order with no reported citation and metadata indicating unknown precedential status.
PARTIES	Nkosi Brown, Ann Alfred v. Dwayne Nash

TOPICS

subject matter jurisdiction pleadings civil procedure civil rights

PRACTICE AREAS

civil procedure civil rights federal jurisdiction

QUESTIONS PRESENTED

1. Whether a nonlawyer proceeding pro se may assert civil claims on behalf of another person.
2. Whether the court had subject matter jurisdiction over claims seeking the federal criminal prosecution of Nash or other persons.
3. Whether Brown adequately established the amount in controversy required for diversity jurisdiction over his state-law claims.
4. Whether Brown's remaining allegations were factually frivolous under the in forma pauperis statute.
5. Whether Brown should be granted leave to amend.

HOLDINGS

1. A nonlawyer proceeding pro se may not bring a civil action in federal court on behalf of another person; Brown therefore could not assert Alfred's claims.
2. Brown could not initiate or compel a federal criminal prosecution, and claims seeking such relief were dismissed for lack of subject matter jurisdiction.
3. Brown failed to plead facts establishing that the amount in controversy exceeded \$75,000, so the court dismissed the state-law claims for lack of subject matter jurisdiction.
4. The remaining claims were factually frivolous because the allegations that Nash implanted a neural link, restricted Brown's brain, and controlled his earnings were irrational, conclusory, and unsupported by factual allegations.
5. Leave to amend was denied because the complaint did not suggest that Brown possessed additional facts that could cure the identified jurisdictional and frivolousness defects.

KEY QUOTATIONS

“A claim is “‘factually frivolous’ if the sufficiently well-pleaded facts are ‘clearly baseless’—that is, if they are ‘fanciful,’ ‘fantastic,’ or ‘delusional.’”” (Discussion § D)

“The Court certifies, under 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith” (Conclusion)

FACTUAL BACKGROUND

Brown, proceeding pro se, sued New York attorney Dwayne Nash and attempted to assert claims on behalf of Ann Alfred, although only Brown signed the complaint. Brown alleged that Nash implanted a neural link in his brain, harassed him, stole money from various sources, interfered with his phones and emails, and caused a brain constriction. Brown alleged that Nash stole \$10,000 from Ovo Sound and that he lost more than \$300 in EBT benefits, but he did not provide factual details establishing that his state-law claims placed more than \$75,000 in controversy.

PROCEDURAL HISTORY

Brown commenced the action on October 23, 2024, and the court granted his request to proceed in forma pauperis on November 4, 2024. The court determined that Brown could not represent Alfred, that claims seeking criminal prosecution were outside the court's jurisdiction, that the state-law claims did not adequately establish the amount in controversy required for diversity jurisdiction, and that the remaining allegations were frivolous. The court denied leave to amend, directed entry of judgment, and certified that any appeal would not be taken in good faith.

DISPOSITION

dismissed

CASES CITED

- *Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998)
- *Harris v. Mills*, 572 F.3d 66, 72 (2d Cir. 2009)
- *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474-75 (2d Cir. 2006)
- *Lattanzio v. COMTA*, 481 F.3d 137, 139 (2d Cir. 2007)
- *Eagle Assocs. v. Bank of Montreal*, 926 F.2d 1305, 1308 (2d Cir. 1991)
- *United States ex rel. Mergent Servs. v. Flaherty*, 540 F.3d 89, 92 (2d Cir. 2008)
- *Iannaccone v. Law*, 142 F.3d 553, 558 (2d Cir. 1998)
- *Leeke v. Timmerman*, 454 U.S. 83, 86-87 (1981)
- *Conn. Action Now, Inc. v. Roberts Plating Co.*, 457 F.2d 81, 87 (2d Cir. 1972)
- *Linda R.S. v. Richard D.*, 410 U.S. 614, 618-19 (1973)
- *Mahon v. Ticor Title Ins. Co.*, 683 F.3d 59, 62 (2d Cir. 2012)
- *Wis. Dep't of Corr. v. Schacht*, 524 U.S. 381, 388 (1998)
- *Palazzo ex rel. Delmage v. Corio*, 232 F.3d 38, 42 (2d Cir. 2000)
- *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 288 (1938)
- *Zacharia v. Harbor Island Spa, Inc.*, 684 F.2d 199, 202 (2d Cir. 1982)
- *Ochoa v. Interbrew Am., Inc.*, 999 F.2d 626, 629 (2d Cir. 1993)
- *Chavez v. Maker*, No. 1:18-CV-7965 (RA) (GWG), 2019 WL 4926348, at *4 (S.D.N.Y. Oct. 7, 2019)
- *Weir v. Cenlar FSB*, No. 7:16-CV-8650 (CS), 2018 WL 3443173, at *12 (S.D.N.Y. July 17, 2018)

- Denton v. Hernandez, 504 U.S. 25, 32-33 (1992)
- Gallop v. Cheney, 642 F.3d 364, 368-69 (2d Cir. 2011)
- Neitzke v. Williams, 490 U.S. 319, 325 (1989)
- Morren v. New York Univ., No. 1:20-CV-10802 (JPO) (OTW), 2022 WL 1666918, at *18 (S.D.N.Y. Apr. 29, 2022)
- Lefkowitz v. John Wiley & Sons, Inc., No. 13-CV-6414 (KPF), 2014 WL 2619815, at *10 (S.D.N.Y. June 2, 2014)
- Johnson v. Univ. of Rochester Med. Ctr., 686 F. Supp. 2d 259, 266 (W.D.N.Y. 2010)
- Kraft v. City of New York, 823 F. App'x 62, 64 (2d Cir. 2020)
- Khalil v. United States, Nos. 17-CV-2652 (JFP) (SIL), 17-CV-5458 (JFP) (SIL), 2018 WL 443343, at *4 (E.D.N.Y. Jan. 12, 2018)
- Hill v. Curcione, 657 F.3d 116, 123-24 (2d Cir. 2011)
- Fischman v. Mitsubishi Chem. Holdings Am., Inc., No. 18-CV-8188 (JMF), 2019 WL 3034866, at *7 (S.D.N.Y. July 11, 2019)
- Coppedge v. United States, 369 U.S. 438, 444-45 (1962)