

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Lucy Clark v. Michael Rosenthal and Kevin McClanahan

Clark · No. 26-cv-390-wmc · Decided May 20, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin dismissed with prejudice a pro se complaint alleging that the defendants conspired and violated due process. The court found the complaint deficient, duplicative, and malicious, denied pending motions, certified that an appeal would not be taken in good faith, and directed the clerk to return similar future filings by the plaintiff unfiled.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	William M. Conley
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	May 20, 2026
DOCKET	26-cv-390-wmc
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se plaintiff proceeding without prepayment of the filing fee filed a one-page civil-rights complaint. The district court screened the complaint under 28 U.S.C. § 1915(e)(2)(B) and dismissed the action with prejudice as duplicative and malicious.
STANDARD OF REVIEW	Mandatory screening under 28 U.S.C. § 1915(e)(2)(B), applying the plausibility standard for failure to state a claim and liberal construction of pro se pleadings.
PRECEDENTIAL VALUE	Unpublished federal district court opinion; precedential status unknown.

TOPICS

- civil procedure
- civil rights
- due process
- section 1983
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim for relief under the applicable pleading standard.
2. Whether the court should dismiss the action with prejudice as duplicative and malicious rather than grant leave to amend.
3. Whether the court could restrict future filings by directing the clerk to return similar actions filed by the plaintiff.

HOLDINGS

1. The complaint failed to state a claim because it consisted only of naked assertions without factual enhancement connecting the defendants' alleged conduct to a legally cognizable violation.
2. The action was properly dismissed with prejudice as duplicative and malicious because it appeared to have been filed to harass defendants and waste judicial resources, and the plaintiff had filed materially identical actions in other federal courts.
3. The court declined to grant leave to amend because the action was duplicative and malicious and the circumstances indicated abusive litigation rather than a curable pleading deficiency.
4. The court could direct the clerk to return unfiled any similar new civil action filed by Lucy Clark pursuant to the procedure governing restrictions on abusive filings.

KEY QUOTATIONS

“Because the complaint was plainly filed for the improper purpose of harassing the defendants while wasting scarce judicial resources, this action will be dismissed with prejudice as duplicative and malicious.”

(Opinion)

“Pursuant to the procedure set forth in Support Systems International v. Mack, 45 F.3d 185 (7th Cir. 1995), the clerk of court to return unfiled any similar new civil action that “Lucy Clark” might file.” (Order ¶ 4)

FACTUAL BACKGROUND

The plaintiff filed a one-page pro se complaint containing only two unadorned allegations that Kevin McClanahan and Michael Rosenthal conspired and violated due process. The complaint supplied no supporting facts and did not connect the action to the Western District of Wisconsin. The court also noted that the same plaintiff name appeared in numerous federal actions involving identical bare-bones complaints, supporting its conclusion that this case was duplicative and filed to harass defendants and waste judicial resources.

PROCEDURAL HISTORY

Plaintiff filed a bare-bones complaint alleging that defendants conspired and violated due process. During mandatory in forma pauperis screening, the court found that the complaint failed to state a plausible claim and that the action was duplicative and malicious. The court dismissed the case with prejudice, denied pending

motions, certified that an appeal would not be taken in good faith, and directed the clerk to return unfiled any similar future civil action filed by Lucy Clark.

DISPOSITION

dismissed

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Felton v. City of Chicago, 827 F.3d 632, 636 (7th Cir. 2016)
- Clark v. Rosenthal, No. 1:26-cv-202, 2026 WL 1261955, at *1 (N.D. Ind. May 6, 2026)
- Adams v. Jimenez, No. 9:25-cv-68, 2026 WL 1288272, at *1 (M.D. Fla. Apr. 22, 2026)
- Montgomery v. Davis, 362 F.3d 956, 957 (7th Cir. 2004)
- In re McDonald, 489 U.S. 180, 184 (1989)
- Thompson v. Taylor, 473 F. App'x 507, 509 (7th Cir. 2012), 2012 WL 1035718, at *2
- Hoskins v. Dart, 633 F.3d 541, 543 (7th Cir. 2011)
- Lindell v. McCallum, 352 F.3d 1107, 1109 (7th Cir. 2003)
- Daker v. Ward, 999 F.3d 1300, 1308 (11th Cir. 2021)
- Pittman v. Moore, 980 F.2d 994, 995 (5th Cir. 1993)
- Support Systems International v. Mack, 45 F.3d 185 (7th Cir. 1995)

OPINION

Lucy Clark v. Michael Rosenthal and Kevin McClanahan
PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LUCY CLARK,

Plaintiff,

v. OPINION AND ORDER

MICHAEL ROSENTHAL and 26-cv-390-wmc

KEVIN McCLANAHAN,

Defendants. A plaintiff calling herself Lucy Clark has filed a one-page, pro se complaint against the defendants, alleging in two unadorned sentences that defendants Kevin McClanahan and Michael Rosenthal conspired together and “violated due process.” (Dkt. #1.) Plaintiff provides no other details or relevant facts. Because plaintiff is proceeding without prepayment of the filing fee, the court must screen the complaint and dismiss any portion that is frivolous or malicious, fails to

state a claim upon which relief may be granted, or seeks money damages from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B). Pleadings filed by pro se litigants are held to a less stringent standard. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). Even so, the complaint and this lawsuit will be dismissed with prejudice for the reasons set forth below.

OPINION

To begin, plaintiff's complaint offers no more than "naked assertions devoid of further factual enhancement," and fails to state a claim. *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2006). While courts construe pro se complaints liberally, see *Erickson*, 551 U.S. at 94, pro se plaintiffs still must provide enough facts to support a plausible claim for relief. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). Although the Seventh Circuit has cautioned against dismissing a pro se plaintiff's case without giving the plaintiff a chance to amend the complaint, *Felton v. City of Chicago*, 827 F.3d 632, 636 (7th Cir. 2016), the court will not grant leave to amend in this case for several reasons. First, plaintiff purports to have an address in Jackson, Wyoming, but the envelope has a New York postmark. Second, plaintiff makes no attempt to connect the action to this district. Third, a PACER search shows that a plaintiff identified as "Lucy Clark" has filed this same bare-bones complaint in numerous other district courts across the country, signaling that this duplicative action was filed by an abusive litigant. See *Clark v. Rosenthal*, No. 1:26-cv-202, 2026 WL 1261955, at *1 (N.D. Ind. May 6, 2026) (listing actions with identical complaints filed by Clark). Indeed, it appears the complaint is part of a larger trend of malicious filings in the federal courts. See *Adams v. Jimenez*, No. 9:25-cv-68, 2026 WL 1288272, at *1 (M.D. Fla. Apr. 22, 2026) (noting the "slew of materially similar actions" filed nationally by fictitious plaintiffs of various names, and which appear to have been instigated by an individual named Feifei Gu). The court has inherent authority to manage its docket and protect its finite resources. *Montgomery v. Davis*, 362 F.3d 956, 957 (7th Cir. 2004) ("Every paper filed . . . no matter how repetitious or frivolous, requires some portion of the institution's limited resources. A part of the Court's responsibility is to see that these resources are allocated in a way that promotes the interests of justice.") (quoting *In re McDonald*, 489 U.S. 180, 184 (1989)). The court has broad discretion to exercise this authority by dismissing a case and/or restricting future filings by an abusive litigant whose allegations are fraudulent. *Thompson v. Taylor*, 473 F. App'x 507, 509, 2012 WL 1035718, at *2 (7th Cir. March 29, 2012) (citing *Hoskins v. Dart*, 633 F.3d 541, 543 (7th Cir. 2011)). Because the complaint was plainly filed for the improper purpose of harassing the defendants while wasting scarce judicial resources, this action will be dismissed with prejudice as duplicative and malicious. See *Lindell v. McCallum*, 352 F.3d 1107, 1109 (7th Cir. 2003) (A "malicious" case is one that is "intended to harass."); see also *Daker v. Ward*, 999 F.3d 1300, 1308 (11th Cir. 2021) ("[A] plaintiff's duplicative complaint is an abuse of the judicial process and is properly dismissed" as malicious under 28 U.S.C. § 1915.); *Pittman v. Moore*, 980 F.2d 994, 995 (5th Cir. 1993) ("[I]t is 'malicious' for a pauper to file a lawsuit that duplicates allegations of another pending federal

lawsuit by the same plaintiff.”).

ORDER

IT IS ORDERED that: 1) This action is DISMISSED with prejudice as duplicative and malicious. 2) All pending motions are DENIED. 3) The court certifies that any appeal from this order is not taken in good faith, 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). 4) Pursuant to the procedure set forth in *Support Systems International v. Mack*, 45 F.3d 185 (7th Cir. 1995), the clerk of court to return unfiled any similar new civil action that “Lucy Clark” might file. Entered the 20th day of May, 2026.

BY THE COURT

/s/ _____

WILLIAM M. CONLEY

District Judge