

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PRECEDENTIAL VALUE	Unpublished federal district court opinion; precedential status unknown.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)