

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

Hailey Davis v. Judy Kim

Davis · No. 26-CV-00013-SEH-SH · Decided January 12, 2026

SUMMARY

The United States District Court for the Northern District of Oklahoma grants Hailey Davis’s motion to proceed in forma pauperis but dismisses the complaint without prejudice under 28 U.S.C. § 1915(e). The court concludes that the complaint contains only conclusory allegations, fails to state a claim, and cannot be cured by amendment.

CASE DETAILS

COURT	United States District Court for the Northern District of Oklahoma
WRITING FOR THE COURT	Sara E. Hill
JURISDICTION	United States District Court for the Northern District of Oklahoma
DECIDED	January 12, 2026
DOCKET	26-CV-00013-SEH-SH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a pro se complaint and moved to proceed in forma pauperis. After granting in forma pauperis status, the district court screened the complaint under 28 U.S.C. § 1915(e) and dismissed it without prejudice for failure to state a claim, finding amendment would be futile.
STANDARD OF REVIEW	The court applied the 28 U.S.C. § 1915(e)(2)(B)(ii) failure-to-state-a-claim standard, which it stated is the same as the standard under Federal Rule of Civil Procedure 12(b)(6). The court also liberally construed the pro se complaint.
PRECEDENTIAL VALUE	unpublished district court opinion

TOPICS

- motions to dismiss
- pleadings
- civil procedure
- procedural due process

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the plaintiff's motion to proceed in forma pauperis should be granted.
2. Whether the complaint stated a plausible claim for relief under the screening standard in 28 U.S.C. § 1915(e)(2)(B)(ii).
3. Whether amendment should be permitted or would be futile.

HOLDINGS

1. The motion to proceed in forma pauperis was granted based on the representations and information provided by the plaintiff.
2. The complaint failed to state a claim upon which relief could be granted because it contained only conclusory allegations and no factual allegations supporting a recognized legal claim.
3. The complaint was dismissed without prejudice because amendment would be futile.

KEY QUOTATIONS

“A complaint must contain “enough facts to state a claim to relief that is plausible on its face.””

“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.”

FACTUAL BACKGROUND

The complaint alleged, on information and belief, that the defendant had ex parte communications with an unidentified individual and conspired with that individual in violation of due process. It asserted federal-question jurisdiction and sought a jury trial and \$1,000,000 in compensation. The complaint provided no supporting factual allegations explaining the alleged communications, conspiracy, or legal claim.

PROCEDURAL HISTORY

Hailey Davis filed a complaint against Judy Kim and sought leave to proceed without prepaying fees and costs. The court granted in forma pauperis status, conducted the required screening, concluded that the complaint contained only conclusory allegations without supporting facts, and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- *Lister v. Dep’t of Treasury*, 408 F.3d 1309, 1311 (10th Cir. 2005)
- *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, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bryson v. City of Edmond, 905 F.2d 1386, 1390 (10th Cir. 1990)
- Whitney v. New Mexico, 113 F.3d 1170, 1175 (10th Cir. 1997)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA HAILEY DAVIS, Plaintiff, v. Case No. 26-CV-00013-SEH-SH JUDY KIM, Defendant. OPINION AND ORDER Before the Court is Plaintiff's Complaint. [ECF No. 1]. Plaintiff also filed a motion for leave to proceed in forma pauperis. [ECF No. 2].

In reliance upon the representations and information set forth in Plaintiff's motion to proceed in forma pauperis, the Court finds that the motion should be granted. Plaintiff is permitted to file and maintain this action to conclusion without prepayment of fees and costs. 28 U.S.C. § 1915(a).

Because Plaintiff's request to proceed in forma pauperis is granted, the Complaint is subject to screening under 28 U.S.C. § 1915(e). *Lister v. Dep't of Treasury*, 408 F.3d 1309, 1311 (10th Cir. 2005). Because Plaintiff fails to state a claim upon which relief may be granted, this case is dismissed without prejudice.

I. Discussion 28 U.S.C. § 1915(e)(2) allows a district court to dismiss a case if: (A) the allegation of poverty is untrue; or (B) the action or appeal-- (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief. A pro se plaintiff's complaint must be liberally construed.

Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991). However, liberal construction of a pro se plaintiff's allegations "does not relieve the plaintiff of the burden of alleging sufficient facts on which a recognized legal claim could be based." *Id.* Notwithstanding a pro se plaintiff's various mistakes or misunderstandings of legal doctrines or procedural requirements, "if the court can reasonably read the pleadings to state a valid claim on which the plaintiff could prevail, it should do so despite the plaintiff's failure to cite proper legal authority, his confusion of various legal theories, his poor syntax and sentence construction, or his unfamiliarity with pleading requirements." *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). The standard for dismissals under § 1915(e)(2)(B)(ii) is the same as dismissals under Fed. R. Civ. P. 12(b)(6) for failure to state a claim. *Id.* 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).

The Court need not accept “mere conclusions characterizing pleaded facts.” *Bryson v. City of Edmond*, 905 F.2d 1386, 1390 (10th Cir. 1990); see also *Twombly*, 550 U.S. at 555 (“While a complaint attacked by a Rule 12(b)(6) motion to dismiss does not need detailed factual allegations, a plaintiff’s obligation to provide the grounds of his entitlement to relief requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do”) (citation modified).

Nor will the Court “supply additional factual allegations to round out a plaintiff’s complaint or construct a legal theory on a plaintiff’s behalf.” *Whitney v. New Mexico*, 113 F.3d 1170, 1175 (10th Cir. 1997). Aside from the case caption, the entirety of Plaintiffs complaint consists of the following: 1. Upon information and belief, Defendant had ex parte communication with individual in 101014/2022, 2.

Defendant conspired with individual in violation of due process, 3. This Court has jurisdiction under the federal law. 4. Plaintiff demands a trial of jury and with compensation of \$1,000,000. VERIFICATION L L&e The undersigned declares under penalty of perjury that she is the plaintiff in the above + 5 action, that she has read the above complaint and that the information contained in the complaint g | 2 is true and correct.

28 U.S.C. § (17 6, 18 U.S.C. § 1621. 6 2 \ 3 Ly 3 Q \.: Executed on: 1/1/26 7 3 ZO e p o d e i | D d [ECF No. 1 at 1]. Plaintiffs Complaint contains only conclusory allegations and it is devoid of any factual allegations that would support a claim upon which relief may be granted.

The Court also finds that amendment would be futile. The Court, therefore, dismisses this case without prejudice under 28 U.S.C. § 1915(e). II. Conclusion For the reasons stated above, Plaintiff’s motion to proceed in forma pauperis, [ECF No. 2], is GRANTED.

However, Plaintiff’s Complaint fails to state a claim upon which relief may be granted and amendment would be futile. This case is, therefore, DISMISSED WITHOUT PREJUDICE under 28 U.S.C. § 1915(e). A separate judgment will be filed contemporaneously. DATED this 12th day of January, 2026. Sara E. Hill UNITED STATES DISTRICT JUDGE