

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
WISCONSIN

James Gustave Malott v. Rosen’s Diversified Inc., American Food  
Groups LLC, and Green Bay Dressed Beef LLC

Malott · No. 25-CV-1965 · Decided December 18, 2025

SUMMARY

The United States District Court for the Eastern District of Wisconsin granted James Gustave Malott’s request to proceed without prepaying the filing fee. After screening the complaint under 28 U.S.C. § 1915, the court dismissed it without prejudice for lack of subject-matter jurisdiction, concluding that the complaint did not adequately allege a federal claim under the Computer Fraud and Abuse Act and that the asserted claim would also be untimely. The court dismissed a related motion as moot and warned that future actions based on the same facts could result in a filing bar.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of Wisconsin                                                                                                                                                                                                                                                                                                                                         |
| WRITING FOR THE COURT | Byron B. Conway                                                                                                                                                                                                                                                                                                                                                                                            |
| JURISDICTION          | United States District Court for the Eastern District of Wisconsin                                                                                                                                                                                                                                                                                                                                         |
| DECIDED               | December 18, 2025                                                                                                                                                                                                                                                                                                                                                                                          |
| DOCKET                | 25-CV-1965                                                                                                                                                                                                                                                                                                                                                                                                 |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | Plaintiff sought leave to proceed in forma pauperis and filed a pro se complaint alleging that defendants were responsible for radio-frequency exposure causing physical and other harms. The court screened the complaint under 28 U.S.C. § 1915(e)(2), granted leave to proceed without prepaying the filing fee, and dismissed the complaint without prejudice for lack of subject-matter jurisdiction. |
| STANDARD OF REVIEW    | On in forma pauperis screening, the court applied 28 U.S.C. § 1915(e)(2) and the same pleading standards applicable to a Rule 12(b)(6) motion, accepting the complaint's factual allegations as true at that stage. The court independently reviewed subject-matter jurisdiction.                                                                                                                          |
| PRECEDENTIAL VALUE    | unpublished district court order; precedential status unknown                                                                                                                                                                                                                                                                                                                                              |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                            |

## PARTIES

James Gustave Malott v. Rosen's Diversified Inc., American Food Groups LLC, Green Bay Dressed Beef LLC

## TOPICS

subject matter jurisdiction

motions to dismiss

statute of limitations

pleadings

civil procedure

## PRACTICE AREAS

civil procedure

federal jurisdiction

in forma pauperis screening

Computer Fraud and Abuse Act

## QUESTIONS PRESENTED

1. Whether Malott qualified to proceed in forma pauperis.
2. Whether the complaint established federal-question or diversity subject-matter jurisdiction.
3. Whether the complaint stated a claim under the Computer Fraud and Abuse Act, 18 U.S.C. § 1030.
4. Whether any Computer Fraud and Abuse Act claim was barred by the statute of limitations.

## HOLDINGS

1. Plaintiff qualified to proceed without prepaying the filing fee because he lacked the financial resources to pay the fees and costs associated with the action.
2. Diversity jurisdiction did not exist because plaintiff did not seek more than \$75,000 and complete diversity was absent.
3. The complaint did not establish federal-question jurisdiction because it did not plead facts showing a violation of federal law, including a violation of the Computer Fraud and Abuse Act.
4. Any claim under 18 U.S.C. § 1030(g) was untimely because plaintiff did not file within two years of the alleged act or discovery of the damage.

## KEY QUOTATIONS

*“a litigant whose filing fees and court costs are assumed by the public, unlike a paying litigant, lacks an economic incentive to refrain from filing frivolous, malicious, or repetitive lawsuits.”* (Legal Standard)

*“a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers”* (Legal Standard)

*“a complaint demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.”* (Legal Standard)

*“Subject-matter jurisdiction is the first issue in any case.”* (Analysis)

## FACTUAL BACKGROUND

Malott alleged that defendants were responsible for a large amount of radio frequency being directed at his body, causing physical pain, health problems, hospital visits, 911 calls, and other disruptions. He alleged that, while

working for American Food Groups in April 2019, a supervisor told him not to connect his phone to a computer to identify an internet protocol address. He further alleged that on January 10, 2021, he connected his symptoms to radio frequency and to his former employment. He sought nonmonetary relief, including instructions for stopping the alleged radio-frequency transmissions.

## PROCEDURAL HISTORY

Malott filed a pro se complaint and a request to proceed without prepaying the filing fee. After determining that he lacked the financial resources to pay the filing fee, the court granted the request and screened the complaint. The court concluded that diversity jurisdiction was unavailable, that the complaint did not plead a viable federal claim under the Computer Fraud and Abuse Act, and that any such claim would also be untimely. The complaint was dismissed without prejudice, and a motion for a hearing and a motion to serve defendants were dismissed as moot.

## DISPOSITION

dismissed

## CASES CITED

- Denton v. Hernandez, 504 U.S. 25, 31 (1992)
- Adkins v. E. I. DuPont de Nemours & Co., 335 U.S. 331, 342 (1948)
- Neitzke v. Williams, 490 U.S. 319, 324 (1989)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- DeWalt v. Carter, 224 F.3d 607, 611 (7th Cir. 2000)
- Savory v. Cannon, 947 F.3d 409 (7th Cir. 2020)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)
- Miller v. Southwest Airlines Co., 926 F.3d 898, 902 (7th Cir. 2019)
- Knopick v. Jayco, Inc., 895 F.3d 525, 528 (7th Cir. 2018)
- Page v. Democratic Nat'l Comm., 2 F.4th 630, 636 (7th Cir. 2021)
- Van Buren v. United States, 593 U.S. 374, 379 (2021)
- Chambers v. NASCO, Inc., 501 U.S. 32, 44-45 (1991)