UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI, EASTERN DIVISION

Sidney Keys, Sr. v. Veterans United Mortgage Co.

Keys · No. 4:25-cv-01230-HEA · Decided December 18, 2025

SUMMARY

The United States District Court for the Eastern District of Missouri granted Sidney Keys, Sr.'s application to proceed without prepaying fees or costs. The court dismissed his complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B), concluding that his allegations that Veterans United Mortgage Co. denied him a home loan because of racial discrimination did not plausibly state a claim under 42 U.S.C. § 1981. The court also denied his motion to appoint counsel as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
WRITING FOR THE COURT	Henry Edward Autrey
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	December 18, 2025
DOCKET	4:25-cv-01230-HEA
DISPOSITION	dismissed
PROCEDURAL POSTURE	On initial screening of a self-represented plaintiff's complaint filed in forma pauperis, the district court considered whether the complaint stated a plausible racial-discrimination claim under 42 U.S.C. § 1981.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court may dismiss an in forma pauperis complaint that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. On screening, the court accepts well-pleaded facts as true and liberally construes a self-represented litigant's complaint, but does not accept legal conclusions as factual allegations and requires factual content sufficient to state a plausible claim.
PRECEDENTIAL VALUE	unknown

TOPICS

civil rights | pleadings | civil procedure

PRACTICE AREAS

civil rights | civil procedure | real estate

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim of racial discrimination under 42 U.S.C. § 1981.
2. Whether the action should be dismissed during initial in forma pauperis screening under 28 U.S.C. § 1915(e)(2)(B).

HOLDINGS

1. The complaint failed to state a plausible § 1981 racial-discrimination claim because it alleged discrimination only as a conclusion and pleaded no facts from which racial animus could be inferred.
2. The court dismissed the action without prejudice under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief may be granted.

KEY QUOTATIONS

> *"A "liberal construction" means that if the essence of an allegation is discernible, the district court should construe the complaint in a way that permits the claim to be considered within the proper legal framework."*

> *"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."*

> *"Plaintiff's assertion of discrimination, without more, constitutes a legal conclusion that the Court need not accept as true."*

FACTUAL BACKGROUND

Keys alleged that Veterans United Mortgage Co. denied preapproval for a home loan because he did not have a credit score of at least 620. He believed that a credit score should not be relevant when a disabled veteran applies for a first VA home loan. Although he identified racial discrimination and alleged that he is African American, he did not plead facts supporting an inference that the lender acted with racial animus.

PROCEDURAL HISTORY

Sidney Keys filed a complaint against Veterans United Mortgage Co. and applied to proceed without prepaying fees or costs. The court granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915(e)(2), concluded that the complaint failed to state a plausible claim of racial discrimination under § 1981, dismissed the action without prejudice, and denied the motion to appoint counsel as moot.

DISPOSITION

dismissed

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Solomon v. Petray, 795 F.3d 777, 787 (8th Cir. 2015)
- Martin v. Aubuchon, 623 F.2d 1282, 1286 (8th Cir. 1980)
- Stone v. Harry, 364 F.3d 912, 914-15 (8th Cir. 2004)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Yang v. Robert Half International, Inc., 79 F.4th 949, 962 (8th Cir. 2023)
- Barton v. Taber, 820 F.3d 958, 964 (8th Cir. 2016)
- Brown v. Green Tree Servicing LLC, 820 F.3d 371, 372-73 (8th Cir. 2016)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION SIDNEY KEYS, SR.,)) Plaintiff,)) v.) No. 4:25-cv-01230-HEA) VETERANS UNITED MORTGAGE) CO.,)) Defendant.) OPINION, MEMORANDUM AND ORDER This matter is before the Court on self-represented Plaintiff Sidney Keys' Application to Proceed in District Court Without Prepaying Fees or Costs.

[ECF No. 2]. Having reviewed the Application, the Court grants it and waives the filing fee. For the reasons discussed below, the Court dismisses this action without prejudice pursuant to 28 U.S.C. § 1915. Legal Standard on Initial Review Under 28 U.S.C. § 1915(e)(2), the Court may dismiss a complaint filed in forma pauperis if the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief.

When reviewing a complaint filed by a self-represented person under 28 U.S.C. § 1915, the Court accepts the well-pleaded facts as true, and liberally construes the complaint. Erickson v. Pardus, 551 U.S. 89, 94 (2007); Haines v. Kerner, 404 U.S. 519, 520 (1972). A "liberal construction" means that if the essence of an allegation is discernible, the district court should construe the complaint in a way that permits the claim to be considered within the proper legal framework.

Solomon v. Petray, 795 F.3d 777, 787 (8th Cir. 2015). Even so, self- represented plaintiffs must allege facts that, if true, state a claim for relief as a matter of law. Martin v. Aubuchon, 623 F.2d 1282, 1286 (8th Cir. 1980); see also Stone v. Harry, 364 F.3d 912, 914-15 (8th Cir. 2004) (refusing to supply additional facts or to construct a legal theory for the self-represented plaintiff).

To sufficiently state a claim for relief, a complaint must plead more than "legal conclusions" and "[t]hreadbare recitals of the elements of a cause of action [that are] supported by mere conclusory statements." Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). A plaintiff must demonstrate a plausible claim for relief, which is more than a "mere possibility of misconduct." Id. at 679. "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.” Id. at 678.

Determining whether a complaint states a plausible claim for relief is a context- specific task that requires the reviewing court to draw on its judicial experience and common sense. Id. at 679. The Complaint Plaintiff has filed numerous lawsuits in this Court. This year alone, he has filed 23 new cases.

Here, he asserts Defendant Veterans United Mortgage Co. denied preapproving his home loan because he did not have a credit score of 620 or higher. He states his belief that if a disabled veteran applies for a VA home loan for the first time, the credit score is not relevant. He seeks $3 million in damages. Discussion Plaintiff identifies racial discrimination as the basis of his claims.

Title 42 U.S.C. § 1981 provides, in relevant part, that “[a]ll persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts.” 42 U.S.C. § 1981(a).

To “make and enforce contracts” includes “the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.” 42 U.S.C. § 1981(b).

To assert a prima facie claim under § 1981, plaintiff must allege, among other things, that: (1) he was a member of a protected class; and (2) the defendant acted with discriminatory intent. Yang v. Robert Half Int’l, Inc., 79 F.4th 949, 962 (8th Cir. 2023). Plaintiff is an African American man. He contends that Defendant denied him a home loan due to racial discrimination.

Despite this contention, he offers no factual allegations that would allow the Court to infer racial animus. Plaintiff’s assertion of discrimination, without more, constitutes a legal conclusion that the Court need not accept as true. See Barton v. Taber, 820 F.3d 958, 964 (8th Cir. 2016); Brown v. Green Tree Serv. LLC, 820 F.3d 371, 372-73 (8th Cir. 2016) (stating that the court must accept factual allegations in complaint as true but is not required to “accept as true any legal conclusion couched as a factual allegation”).

The Court finds that Plaintiff has failed to state a plausible claim of racial discrimination. It will not supply additional facts for Plaintiff, nor will it construct a legal theory that assumes unalleged facts. See Stone, 364 F.3d at 914. Conclusion Liberally construed, the Court finds the complaint fails to state a plausible claim of racial discrimination under § 1981.

For these reasons the Court dismisses this action for failure to state a claim upon which relief may be granted. See 28 U.S.C. § 1915(e)(2)(B). Accordingly, IT IS HEREBY ORDERED that Plaintiff’s application to proceed in district court without prepaying fees or costs is GRANTED. [ECF No. 2] IT IS FURTHER ORDERED that this case is DISMISSED without prejudice.

A separate Order of Dismissal will accompany this Opinion, Memorandum and Order. IT IS FURTHER ORDERED that Plaintiff's motion to appoint counsel is DENIED as moot. [ECF No. 3] Dated this 18 day of December, 2025. HENRY EDWARD AUTREY UNITED STATES DISTRICT JUDGE