

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE

Dustin Graham Gilbert v. University of Wisconsin Madison

Gilbert v. University of Wisconsin Madison · No. 2:25-cv-00549-JAW · Decided December 3, 2025

SUMMARY

A United States magistrate judge recommends dismissing Dustin Graham Gilbert’s complaint against the University of Wisconsin Madison following screening under 28 U.S.C. § 1915(e)(2). The court concludes that the complaint does not present a case or controversy and does not allege facts supporting a plausible claim or showing that the defendant’s alleged use of technology caused harm to the plaintiff. The decision also notes that the plaintiff identified no authority supporting an individual cause of action under the treaty he referenced.

CASE DETAILS

COURT	United States District Court for the District of Maine
WRITING FOR THE COURT	John C. Nivison
JURISDICTION	United States District Court for the District of Maine
DECIDED	December 3, 2025
DOCKET	2:25-cv-00549-JAW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a complaint seeking to subpoena individuals concerning alleged technology and seeking an injunction against the University of Wisconsin Madison. After granting Plaintiff leave to proceed without prepaying the filing fee, the magistrate judge conducted the required preliminary review under 28 U.S.C. § 1915(e)(2) and issued a recommended decision that the complaint be dismissed.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court must dismiss an action filed without prepayment of fees if it is frivolous or malicious or fails to state a claim. In assessing whether a complaint states a claim, the court assumes the truth of well-pleaded facts, draws reasonable inferences for the plaintiff, and applies the plausibility standard, while construing a self-represented litigant's complaint liberally.
PRECEDENTIAL VALUE	nonprecedential recommended decision

TOPICS

subject matter jurisdiction

motions to dismiss

pleadings

civil procedure

PRACTICE AREAS

civil procedure

constitutional law

federal jurisdiction

pro se litigation

QUESTIONS PRESENTED

1. Whether the complaint presented a justiciable case or controversy within the jurisdiction of the federal court.
2. Whether the complaint alleged sufficient facts to state a plausible, actionable claim against the University of Wisconsin Madison.
3. Whether the complaint should be dismissed at preliminary screening under 28 U.S.C. § 1915(e)(2).

HOLDINGS

1. The complaint did not assert a case or controversy within the court's jurisdiction because Plaintiff did not allege a legal theory of recovery or facts supporting a potential theory of recovery and instead sought the court's assistance in investigating information from an interview.
2. The complaint failed to state a plausible, actionable claim against Defendant because it alleged no facts showing that Defendant's alleged use of the technology caused harm to Plaintiff or otherwise supporting a theory of recovery.
3. The magistrate judge recommended that the matter be dismissed under 28 U.S.C. § 1915(e)(2) because the complaint failed both to assert a case or controversy and to allege an actionable claim.

KEY QUOTATIONS

“The Court’s role is to adjudicate cases, not to conduct investigations at the request of a party.” (at 3)

“Accordingly, I recommend the Court dismiss the matter.” (at 4)

FACTUAL BACKGROUND

Plaintiff viewed an interview in which an individual discussed technology that allegedly could cause harm, including earthquakes and auditory hallucinations. Plaintiff suspected that the technology might relate to symptoms he had experienced and alleged that the University of Wisconsin Madison used the technology. He sought subpoenas for the interviewee and possibly another person, as well as an injunction stopping Defendant's alleged use of the technology.

PROCEDURAL HISTORY

Plaintiff initiated the action and filed an application to proceed without prepayment of the filing fee. The Court granted the application. Following screening under 28 U.S.C. § 1915(e)(2), the magistrate judge recommended dismissal because the complaint did not present a case or controversy and did not allege facts supporting an actionable or plausible claim. The recommendation advised that objections could be filed within fourteen days and that failure to object would waive de novo review and appeal.

DISPOSITION

other

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 324 (1989)
- Ocasio-Hernandez v. Fortuno-Burset, 640 F.3d 1, 12 (1st Cir. 2011)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Waterman v. White Interior Solutions, No. 2:19-cv-00032-JDL, 2019 WL 5764661, at *2 (D. Me. Nov. 5, 2019)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Ferranti v. Moran, 618 F.2d 888, 890 (1st Cir. 1980)
- Gunn v. Minton, 568 U.S. 251, 256 (2013)
- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375, 377 (1994)
- Hochendoner v. Genzyme Corp., 823 F.3d 724, 730 (1st Cir. 2016)
- Warth v. Seldin, 422 U.S. 490, 498 (1975)
- Miles v. Morgan, No. 3:25-cv-158-MMH-PDB, 2025 WL 2997729, at *2 n.3 (M.D. Fla. Oct. 24, 2025)

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