

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, SOUTHERN DIVISION

Faye Gu v. Joyf Campanelli

Gu v. Campanelli, No. 4:25-CV-04175-ECS (D.S.D. Apr. 30, 2026) · No. 4:25-CV-04175-ECS · Decided April 30, 2026

SUMMARY

The United States District Court for the District of South Dakota grants Faye Gu’s motion to proceed in forma pauperis. The court dismisses her pro se RICO complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim, declining to allow amendment because venue or personal jurisdiction was unclear and the same complaint had been filed in multiple jurisdictions.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	April 30, 2026
DOCKET	4:25-CV-04175-ECS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a pro se RICO complaint and moved to proceed in forma pauperis. The district court granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915(e)(2)(B), and dismissed the complaint without prejudice for failure to state a claim.
STANDARD OF REVIEW	On in forma pauperis screening, the court accepted well-pleaded facts as true, liberally construed the pro se complaint, and determined whether it was frivolous, malicious, failed to state a claim, or sought relief from an immune defendant under 28 U.S.C. § 1915(e)(2)(B).
PRECEDENTIAL VALUE	unpublished district court opinion and order
PARTIES	Faye Gu v. Joyf Campanelli

TOPICS

- motions to dismiss
- pleadings
- personal jurisdiction
- venue
- civil procedure

PRACTICE AREAS

civil procedure

federal pleading

in forma pauperis screening

RICO

QUESTIONS PRESENTED

1. Whether Gu satisfied the financial eligibility requirements to proceed in forma pauperis.
2. Whether the complaint stated a claim upon which relief could be granted under 28 U.S.C. § 1915(e)(2)(B).
3. Whether the court should allow Gu to amend the complaint before dismissal.

HOLDINGS

1. Gu was sufficiently impoverished to proceed without prepaying the filing fee, so her motion for leave to proceed in forma pauperis was granted.
2. The complaint failed to state a claim upon which relief could be granted and was dismissed without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii).
3. The court declined to grant Gu an opportunity to amend the complaint.

KEY QUOTATIONS

“When we say that a pro se complaint should be given liberal construction, we mean that if the essence of an allegation is discernible, even though it is not pleaded with legal nicety, then the district court should construe the complaint in a way that permits the layperson’s claim to be considered within the proper legal framework.”

“That is quite different, however, from requiring the district court to assume facts that are not alleged, just because an additional factual allegation would have formed a stronger complaint.”

“A complaint “does not need detailed factual allegations . . . [but] requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do[.]””

FACTUAL BACKGROUND

Gu alleged that Re/Max was the current owner of the apartment where she lived, that Campanelli conspired with Re/Max and forged multiple documents, and that federal jurisdiction existed under RICO. Her one-page complaint contained no additional factual allegations explaining the alleged conspiracy, forgery, or legal claims. Gu filed the same complaint in three other federal districts on the same day.

PROCEDURAL HISTORY

Gu filed a one-page complaint seeking \$1 billion and asserting that Campanelli conspired with Re/Max and forged documents. She simultaneously filed the same complaint in three other federal districts. The District of South Dakota granted her motion to proceed in forma pauperis, screened the complaint, dismissed it without prejudice, and declined to allow amendment because venue and personal jurisdiction were not shown to be proper and the multiple filings suggested potential abuse of the judicial process.

DISPOSITION

dismissed

CASES CITED

- Lee v. McDonald's Corp., 231 F.3d 456, 459 (8th Cir. 2000)
- Williams v. McKenzie, 834 F.2d 152, 154 (8th Cir. 1987)
- Cross v. Gen. Motors Corp., 721 F.2d 1152, 1157 (8th Cir. 1983)
- Martin-Trigona v. Stewart, 691 F.2d 856, 857 (8th Cir. 1982) (per curiam)
- Key v. Does, 217 F. Supp. 3d 1006, 1007–08 (E.D. Ark. 2016)
- Est. of Rosenberg v. Crandell, 56 F.3d 35, 36 (8th Cir. 1995)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam)
- Bediako v. Stein Mart, Inc., 354 F.3d 835, 839 (8th Cir. 2004)
- Martin v. Sargent, 780 F.2d 1334, 1337 (8th Cir. 1985)
- Ellis v. City of Minneapolis, 518 F. App'x 502, 504 (8th Cir. 2013) (per curiam)
- Williams v. Willits, 853 F.2d 586, 588 (8th Cir. 1988)
- Bramlet v. Wilson, 495 F.2d 714, 716 (8th Cir. 1974)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Beavers v. Lockhart, 755 F.2d 657, 663 (8th Cir. 1985)
- Abdullah v. Minnesota, 261 F. App'x 926, 927 (8th Cir. 2008) (per curiam)
- Stone v. Harry, 364 F.3d 912, 914–15 (8th Cir. 2004)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Allen v. Purkett, 5 F.3d 1151, 1153 (8th Cir. 1993)