

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA

Collins v. Fang

Collins · No. 1:26-cv-00506-JRO-MJD · Decided March 27, 2026

SUMMARY

The court grants Justin Collins’s motion to proceed in forma pauperis but dismisses his complaint without prejudice. It concludes that Collins failed to establish diversity jurisdiction because he provided no citizenship information for the parties and failed to state a plausible claim based on the allegation that defendants delayed a ruling. The court orders Collins to show cause by April 27, 2026, why final judgment should not be entered.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana
WRITING FOR THE COURT	Justin R. Olson
JURISDICTION	United States District Court for the Southern District of Indiana
DECIDED	March 27, 2026
DOCKET	1:26-cv-00506-JRO-MJD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff moved to proceed in forma pauperis. After granting that motion, the district court screened the complaint before service and dismissed it without prejudice for failure to establish subject-matter jurisdiction, while also concluding that the complaint failed to state a claim.
STANDARD OF REVIEW	On screening under 28 U.S.C. § 1915(e)(2)(B), the court applied the Federal Rule of Civil Procedure 12(b)(6) standard, accepting well-pleaded allegations as true and viewing them in the light most favorable to the plaintiff. The plaintiff bears the burden of establishing subject-matter jurisdiction.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Justin Collins v. Vanessa Fang, Elyssa O. Slutzky, Javier E. Ortiz

TOPICS

subject matter jurisdiction

pleadings

motions to dismiss

civil procedure

PRACTICE AREAS

civil procedure

federal jurisdiction

QUESTIONS PRESENTED

1. Whether the complaint adequately established federal diversity subject-matter jurisdiction under 28 U.S.C. § 1332.
2. Whether the complaint stated a plausible claim for relief under Federal Rule of Civil Procedure 8(a)(2) and the Rule 12(b)(6) pleading standard.
3. Whether Collins qualified to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1).

HOLDINGS

1. A complaint invoking diversity jurisdiction must affirmatively and distinctly allege the citizenship of the parties and the jurisdictional amount; conclusory assertions that the case is based on diversity and seeks more than \$75,000 are insufficient. Because Collins alleged no citizenship information, the court lacked subject-matter jurisdiction.
2. The complaint failed to state a plausible claim because the allegation that the defendants delayed a ruling did not identify the defendants' conduct, the ruling at issue, or how the alleged delay harmed Collins.
3. Collins qualified to proceed in forma pauperis because his motion and affidavit demonstrated that he lacked the assets to prepay the filing fee.

KEY QUOTATIONS

“And this statement must allege jurisdiction “affirmatively and distinctly,” not “argumentatively or by mere inference.”” (Discussion § III.A)

“Complaints must contain enough information from which a court can reasonably infer “that the defendant is liable for the misconduct alleged.”” (Discussion § III.B)

FACTUAL BACKGROUND

Collins's complaint consisted of the allegations that the defendants delayed a ruling, that the case was brought on diversity, and that he demanded damages exceeding \$75,000. The complaint alleged no citizenship information for Collins or the defendants and provided no factual context identifying the delayed ruling, the defendants' conduct, or the harm allegedly suffered.

PROCEDURAL HISTORY

Collins filed a complaint asserting diversity jurisdiction and seeking more than \$75,000 in damages, along with a motion to proceed in forma pauperis. The court granted in forma pauperis status, screened the complaint under

28 U.S.C. § 1915(e)(2)(B), dismissed the complaint without prejudice, and ordered Collins to show cause why final judgment should not be entered.

DISPOSITION

dismissed

CASES CITED

- Robbins v. Switzer, 104 F.3d 895, 898 (7th Cir. 1997)
- Denton v. Hernandez, 504 U.S. 25, 34 (1992)
- Arnett v. Webster, 658 F.3d 742, 751 (7th Cir. 2011)
- Santiago v. Walls, 599 F.3d 749, 756 (7th Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Swanson v. Citibank, N.A., 614 F.3d 400, 403 (7th Cir. 2010)
- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Lightfoot v. Cendant Mortg. Corp., 580 U.S. 82, 95 (2017)
- Buethe v. Britt Airlines, Inc., 749 F.2d 1235, 1238 n.3 (7th Cir. 1984)
- Ctr. for Dermatology & Skin Cancer, Ltd. v. Burwell, 770 F.3d 586, 588–89 (7th Cir. 2014)
- Arbaugh v. Y&H Corp., 546 U.S. 500, 501 (2006)
- McCready v. eBay, Inc., 453 F.3d 882, 890 (7th Cir. 2006)

OPINION

COLLINS

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF INDIANA

INDIANAPOLIS DIVISION

JUSTIN COLLINS,)

) Plaintiff,)) v.) No. 1:26-cv-00506-JRO-MJD)

VANESSA FANG,)

ELYSSA O. SLUTZKY,)

JAVIER E. ORTIZ,)

) Defendants.)

ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS,

DISMISSING COMPLAINT FOR LACK OF JURISDICTION,

AND ORDER TO SHOW CAUSE

This matter is before the Court on pro se Plaintiff Justin Collins’s motion for leave to proceed in

forma pauperis. Dkt. [2]. Because the Court grants this motion, this Court must screen the complaint before service on the defendants. 28 U.S.C. § 1915(e)(2)(B). Collins brings this action against Vanessa Fang, Elyssa O. Slutzky, and Javier E. Ortiz. The substance of Collins’s entire complaint reads:

1. Defendants delayed the ruling,
2. This case is brought on diversity,
3. Plaintiff demands damages over \$75,000.

Dkt. 1 at 1. This fails to state a claim, and the Court lacks jurisdiction in any case. For the reasons discussed below, the Court GRANTS the motion to proceed in forma pauperis, DISMISSES Collins’s complaint without prejudice, and ORDERS him to show cause by April 27, 2026, why final judgment should not issue against him. I.

IN FORMA PAUPERIS STATUS

The Court may authorize a plaintiff to file a lawsuit “without prepayment of fees” if the plaintiff “submits an affidavit” demonstrating that he lacks the assets to pay the filing fee at this time. 28 U.S.C. § 1915(a)(1). Collins’s motion, dkt. 2, meets this standard and is GRANTED accordingly. While in forma pauperis status allows a plaintiff to proceed without pre-paying the filing fee, the plaintiff remains liable for the full fees. “[A]ll § 1915(a) does for any litigant is excuse the prepayment of fees. Unsuccessful litigants are liable for fees and costs and must pay when they are able.” *Robbins v. Switzer*, 104 F.3d 895, 898 (7th Cir. 1997)). The filing fee for in forma pauperis litigants is \$350.00. No payment is due at this time, but the \$350.00 balance remains due and owing. II.

SCREENING STANDARD

When a plaintiff is granted in forma pauperis status, the Court has an obligation to ensure the complaint is legally sufficient. 28 U.S.C. § 1915(e)(2)(B). The Court must dismiss the complaint if it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary damages against a defendant who is immune from such relief. *Id.* Dismissal under § 1915 is an exercise of this Court’s discretion. *Denton v. Hernandez*, 504 U.S. 25, 34 (1992). In determining whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), “taking all well-pleaded allegations of the complaint as true and viewing them in the light most favorable to the plaintiff.” *Arnett v. Webster*, 658 F.3d 742, 751 (7th Cir. 2011) (quoting *Santiago v. Walls*, 599 F.3d 749, 756 (7th Cir. 2010)). To survive dismissal, the complaint must “contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). Because a defendant must have “fair notice of what . . . the claim is and the grounds upon which it rests,” it is not enough for a plaintiff to say that he has been illegally harmed. *Twombly*, 550 U.S. at 555. Rather, he must set forth a “short and plain statement” of facts in his complaint such that the Court can infer the ways in which the named defendant could be held liable for the harm alleged. Fed. R.

Civ. P. 8(a)(2). Pro se complaints, such as that filed by Collins, are construed liberally and held “to a less stringent standard than formal pleadings drafted by lawyers.” Arnett, 658 F.3d at 751. Nevertheless, any plaintiff “must do better than putting a few words on paper that, in the hands of an imaginative reader, might suggest that something has happened to [him] that might be redressed by the law.” Swanson v. Citibank, N.A., 614 F.3d 400, 403 (7th Cir. 2010). III.

DISCUSSION

As a threshold matter, this Court cannot gather sufficient information from Collins’s complaint to satisfy itself that it has subject-matter jurisdiction over the claim. And even if Collins did show subject-matter jurisdiction, his complaint fails to state a claim upon which relief can be granted. Both issues require dismissal. A. Collins does not show diversity jurisdiction. Because Collins does not establish that his claim meets the requirements for subject-matter jurisdiction, this court cannot hear his complaint. “Federal courts are courts of limited jurisdiction.” Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994). To consider the merits of a case, a federal “court must have the power to decide the claim before it (subject-matter jurisdiction).” Lightfoot v. Cendant Mortg. Corp., 580 U.S. 82, 95 (2017). “[I]t is axiomatic . . . that courts must raise the issue sua sponte when it appears that subject matter jurisdiction is lacking.” Buethe v. Britt Airlines, Inc., 749 F.2d 1235, 1238 n.3 (7th Cir. 1984). “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3). The plaintiff “bears the burden of establishing that the jurisdictional requirements have been met.” Ctr. for Dermatology & Skin Cancer, Ltd. v. Burwell, 770 F.3d 586, 588–89 (7th Cir. 2014). The basic statutory framework for subject-matter jurisdiction based on diversity of citizenship lies in 28 U.S.C. § 1332. “A plaintiff properly . . . invokes § 1332 jurisdiction when she presents a claim between parties of diverse citizenship that exceeds the required jurisdictional amount, currently \$75,000.” Arbaugh v. Y&H Corp., 546 U.S. 500, 501 (2006). Collins’s complaint here purports to invoke diversity jurisdiction by stating “[t]his case is brought on diversity” and “Plaintiff demands damages over \$75,000.” Dkt. 1 at 1. Yet Collins includes no concrete information to support this claim. Federal Rule of Civil Procedure 8(a)(1) requires that complaints contain “a short and plain statement of the grounds for the court’s jurisdiction” And this statement must allege jurisdiction “affirmatively and distinctly,” not “argumentatively or by mere inference.” McCready v. eBay, Inc., 453 F.3d 882, 890 (7th Cir. 2006) (quoting 5 Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 1206 (3d ed.2004)) (affirming dismissal when a pro se plaintiff did not provide a corporate defendant’s principal place of business and so failed to allege complete diversity). Collins does not include citizenship information for either himself or the defendants. Instead, he asks this Court to infer diversity based on his conclusory statement that “[t]his case is brought on diversity.” Dkt. 1 at 1. More is required under Rule (a)(1). McCready, 453 F.3d at 890. So, this Court concludes that it lacks subject-matter jurisdiction over Collins’s claim as presented. B. Collins fails to state a claim upon which relief can be granted. Even if Collins established subject-matter jurisdiction, his lawsuit cannot proceed because Collins has

failed to state a claim upon which relief can be granted—even under the less stringent pro se pleading standard. Complaints must contain enough information from which a court can reasonably infer “that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678 (2009). Collins’s four-word allegation—“Defendants delayed the ruling,” dkt. 1 at 1—falls well short of that standard. He provides no context as to who the “defendants” are, what ruling they delayed, or how such delay harmed him. Thus, assuming the Court had subject-matter jurisdiction, it would still dismiss the complaint for failure to state a claim upon which relief can be granted. V.

CONCLUSION

For these reasons, Collins’s Motion for Leave to Proceed In Forma Pauperis is GRANTED. Dkt. [2]. His complaint must be DISMISSED without prejudice for lack of subject-matter jurisdiction. Dkt. [1]. Collins shall have through April 27, 2026, to SHOW CAUSE why final judgment should not issue due to his failure to establish a basis for the Court’s subject-matter jurisdiction and failure to state a claim on which relief may be granted. If Collins fails to timely respond to this Order to show cause, the case will be dismissed without further notice in accordance with the Court’s obligation to ensure its own jurisdiction and 28 U.S.C. § 1915A(e)(2). SO ORDERED. Date: 3/27/2026 stin R. Olson United States District Judge Southern District of Indiana Distribution:

JUSTIN COLLINS

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