

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PRECEDENTIAL VALUE	unpublished district court order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)