

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Abraham Considine Living Estate Trust v. Unknown Party

No. CV-25-00716-TUC-JGZ, United States District Court for the District of Arizona (February 26, 2026)

SUMMARY

The United States District Court for the District of Arizona dismissed Plaintiff Abraham Considine Living Estate Trust’s complaint without prejudice for failure to comply with Federal Rule of Civil Procedure 8(a) and for failure to establish Article III standing. The court granted leave to amend and directed Plaintiff to file a complete First Amended Complaint within 30 days, warning that failure to do so would result in dismissal.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Jennifer G. Zipps
JURISDICTION	United States District Court for the District of Arizona
DECIDED	February 26, 2026
DOCKET	CV-25-00716-TUC-JGZ
DISPOSITION	dismissed
PROCEDURAL POSTURE	The pro se plaintiff filed a federal complaint against an unidentified defendant. The district court sua sponte dismissed the complaint without prejudice for failure to state a claim, failure to comply with Federal Rule of Civil Procedure 8(a), and lack of Article III standing, granting leave to amend.
STANDARD OF REVIEW	The court applied the pleading requirements of Federal Rule of Civil Procedure 8(a)(2), construed the pro se pleading liberally, and considered sua sponte dismissal for failure to allege Article III standing.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Abraham Considine Living Estate Trust v. Unknown Party

TOPICS

- pleadings
- standing
- civil procedure
- subject matter jurisdiction

PRACTICE AREAS

civil procedure

federal jurisdiction

QUESTIONS PRESENTED

1. Whether the complaint satisfied Federal Rule of Civil Procedure 8(a)(2)'s requirement of a short and plain statement showing entitlement to relief.
2. Whether the complaint complied with Federal Rule of Civil Procedure 10(b) by presenting claims in numbered paragraphs and separate counts based on separate transactions or occurrences.
3. Whether the complaint alleged sufficient facts to establish Article III standing.
4. Whether dismissal should be without prejudice and with leave to amend.

HOLDINGS

1. The complaint failed to comply with Rule 8(a)(2) because it did not provide an intelligible statement of the claims, the facts supporting them, or the plaintiff's entitlement to relief.
2. The complaint did not comply with Rule 10(b), and any amended complaint must state claims in numbered paragraphs, each limited as far as practicable to a single set of circumstances.
3. The complaint failed to allege facts establishing Article III standing because it did not identify an injury in fact, conduct causing the injury, the responsible parties, or how a favorable decision would redress the injury.
4. Dismissal was without prejudice and with leave to amend because the deficiencies were not shown to be incurable.

KEY QUOTATIONS

“Federal Rule of Civil Procedure 8(a)(2) requires a “short and plain statement of the claim showing that the pleader is entitled to relief.”” (at 1)

“a plaintiff must show (1) it has suffered an ‘injury in fact’ that is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical; (2) the injury is fairly traceable to the challenged action of the defendant; and (3) it is likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.” (at 1)

“Plaintiff's Complaint does not comply with Rule 8, and the Court will dismiss it without prejudice and with leave to amend.” (at 2)

FACTUAL BACKGROUND

Abraham Considine Living Estate Trust filed a pro se complaint naming an unknown individual, identified as John Henry Doe, as the sole defendant. The complaint cited various federal statutes and treaties, including the Administrative Procedure Act, the Social Security Act, and the Treaty of Versailles, and referred generally to property rights, lost wages, and Social Security-related benefits. It did not identify what the defendant did,

establish the plaintiff's injury, or explain how the alleged conduct was traceable to the defendant or redressable by the court.

PROCEDURAL HISTORY

Plaintiff filed the complaint on December 30, 2025, paid the filing fee, and had not served any defendant. The court found that the complaint was not decipherable, did not connect the John Doe defendant to any alleged conduct, failed to plead facts supporting entitlement to relief, and failed to allege Article III standing. The court dismissed without prejudice and allowed 30 days to file a complete amended complaint.

DISPOSITION

dismissed

CASES CITED

- Johnson v. Reagan, 524 F.2d 1123, 1124 (9th Cir. 1975)
- Haynes v. Anderson & Strudwick, Inc., 508 F. Supp. 1303, 1307 n.1 (E.D. Va. 1981)
- Ramage v. United States, No. CIV 14-2132-TUC-CKJ, 2014 WL 4702288, at *1 (D. Ariz. Sept. 22, 2014)
- Benoit v. Ocwen Fin. Corp., 960 F. Supp. 287, 289 (S.D. Fla. 1997)
- Benoit v. Ocwen Fin. Corp., 162 F.3d 1177 (11th Cir. 1998)
- Jones v. L.A. Cent. Plaza LLC, 74 F.4th 1053, 1057 (9th Cir. 2023)
- Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), Inc., 528 U.S. 167, 180-81 (2000)
- Segura v. City of La Mesa, 647 F. Supp. 3d 926, 941 (S.D. Cal. 2022)
- Hollandsworth v. City & County of Honolulu, 440 F. Supp. 3d 1163, 1185 (D. Haw. 2020)
- Noll v. Carlson, 809 F.2d 1448
- Bonanno v. Thomas, 309 F.2d 320, 322 (9th Cir. 1962)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992)

OPINION

Abraham Considine Living Estate Trust v. Unknown Party
PER CURIAM.

1 WO 2 3 4 5

6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Abraham Considine Living Estate Trust, No. CV-25-00716-TUC-JGZ 10 Plaintiff, ORDER 11
v. 12 Unknown Party, 13 Defendant. 14 15 On December 30, 2025, pro se Plaintiff Abraham
Considine Living Estate Trust 16 filed the Complaint in the above-captioned matter. (Doc. 1.)
Plaintiff names an unknown 17 party, “John Henry Doe,” as the sole defendant. (Id. at 2, 4.)
Plaintiff paid the filing fee for 18 this action but has not served any defendant. Plaintiff cites
various federal statutes and 19 treaties as the basis for this Court’s jurisdiction, including the

Administrative Procedure 20 Act, Social Security Act, and Treaty of Versailles of 1919. (Id. at 3–5.) The Court is unable 21 to decipher the factual or legal basis for Plaintiff’s claims. Therefore, the Court will dismiss 22 the Complaint with leave to amend. 23 I. Legal Standard 24 Federal Rule of Civil Procedure 8(a)(2) requires a “short and plain statement of the 25 claim showing that the pleader is entitled to relief.” Especially where the pleader is pro se, 26 the “pleading should be liberally construed in the interests of justice.” *Johnson v. Reagan*, 27 524 F.2d 1123, 1124 (9th Cir. 1975). Nonetheless, a complaint must set forth a set of facts 28 that serves to put a defendant on notice as to the nature and basis of the claim(s). 1 Furthermore, all allegations of a claim are to be set forth in numbered paragraphs 2 that should be limited to a single set of circumstances. Fed. R. Civ. P. 10(b). “Each claim 3 founded on a separate transaction or occurrence . . . must be stated in a separate count.” Id. 4 Failure to set forth claims in such a manner places the onus “on the court to decipher which, 5 if any, facts support which claims, as well as to determine whether a plaintiff is entitled to 6 the relief sought.” *Haynes v. Anderson & Strudwick, Inc.*, 508 F. Supp. 1303, 1307 n.1 7 (E.D. Va. 1981). “Enforcement of this rule is discretionary with the Court, but such 8 enforcement is appropriate where it is necessary to facilitate a clear presentation of the 9 claims.” *Ramage v. United States*, No. CIV 14-2132-TUC-CKJ, 2014 WL 4702288, at *1 10 (D. Ariz. Sept. 22, 2014) (citing *Benoit v. Ocwen Fin. Corp.*, 960 F. Supp. 287, 289 (S.D. 11 Fla. 1997), *aff’d sub nom. Benoit v. Ocwen Fin. Corp.*, 162 F.3d 1177 (11th Cir. 1998) 12 (compliance with rule mandatory where allegations were so confounding and conclusory, 13 claims were commingled, and unfeasible to decipher nature of claims)). 14 Additionally, a district court may dismiss a complaint sua sponte if the plaintiff fails 15 to allege sufficient facts demonstrating each element of Article III standing. See *Jones v. 16 L.A. Cent. Plaza LLC*, 74 F.4th 1053, 1057 (9th Cir. 2023). “[A] plaintiff must show (1) it 17 has suffered an ‘injury in fact’ that is (a) concrete and particularized and (b) actual or 18 imminent, not conjectural or hypothetical; (2) the injury is fairly traceable to the challenged 19 action of the defendant; and (3) it is likely, as opposed to merely speculative, that the injury 20 will be redressed by a favorable decision.” Id. (quoting *Friends of the Earth, Inc. v. Laidlaw 21 Env’t Servs. (TOC), Inc.*, 528 U.S. 167, 180–81 (2000)). 22 II. Complaint 23 Plaintiff sues Defendant John Henry Doe, but the statement of claim does not refer 24 to this individual, and the Complaint does not identify who this individual is or what this 25 individual allegedly did or failed to do. See *Segura v. City of La Mesa*, 647 F. Supp. 3d 26 926, 941 (S.D. Cal. 2022) (explaining that a plaintiff that uses “John Doe” to identify 27 unknown defendants in a complaint must still allege specific facts showing how the 28 defendant violated the law); *Hollandsworth v. City & County of Honolulu*, 440 F. Supp. 3d 1 1163, 1185 (D. Haw. 2020) (same). Moreover, the Complaint mentions “certain property 2 rights, lost wages, and other forms of va[luable] consideration,” and “certain rights to 3 Survivorship of certain payment and benefits of the Old Age Survivor Disability 4 Insuran[c]e policy,” but Plaintiff has not pleaded any facts indicating entitlement to relief 5 under the cited statutes. Absent more, Plaintiff’s Complaint does not comply with Rule 8, 6 and the Court will dismiss it without prejudice and with

leave to amend. 7 To the extent the Attachment of Documents to the Complaint (Doc. 5) can be 8 considered part of the Complaint, it is unfeasible to decipher the nature of any claims raised 9 therein. Plaintiff appears to have mailed documents to many government entities and 10 officials, but it is unclear how those documents relate to any legal cause of action or support 11 a justiciable case or controversy. Should Plaintiff choose to file an amended complaint, 12 Plaintiff is directed to comply with Federal Rule of Civil Procedure 10(b), which requires 13 stating “claims . . . in numbered paragraphs, each limited as far as practicable to a single 14 set of circumstances.” 15 For similar reasons, the Complaint fails to allege sufficient facts demonstrating any 16 of the elements of Article III standing. The Court cannot discern Plaintiff’s injury, what 17 specific conduct may have caused an injury, when the conduct occurred, the specific parties 18 or persons who allegedly engaged in such conduct, or how a court decision would redress 19 Plaintiff’s injury. 20 III. Leave to Amend 21 The Court will dismiss the Complaint with leave to amend.¹ See *Noll v. Carlson*, 22 809 F.2d at 1448 (leave to amend is liberally granted unless absolutely clear deficiencies 23 cannot be cured by amendment). The Court has provided the reasons for the dismissal to 24 permit Plaintiff to make an intelligent decision whether to file a First Amended Complaint. 25 1 The Court suggests Plaintiff review the Court’s informational Handbook for Self- 26 Represented Litigants, available at [https://www.azd.uscourts.gov/proceeding-without- attorney-0](https://www.azd.uscourts.gov/proceeding-without-attorney-0), prior to submitting an amended complaint. Plaintiff is also advised that the non- 27 profit Step Up to Justice provides free, advice-only consultation to federal self-represented litigants. More information is available at [https://www.azd.uscourts.gov/federal-court- 28 advice-only-clinic-tucson](https://www.azd.uscourts.gov/federal-court-28-advice-only-clinic-tucson) (last visited Feb. 26, 2026). 1 || See *Bonanno v. Thomas*, 309 F.2d 320, 322 (9th Cir. 1962). 2 Any amended complaint filed by Plaintiff must be retyped or rewritten in its entirety 3 || and may not incorporate any part of the original Complaint by reference. An amended complaint must be clearly designated as the First Amended Complaint on the face of the 5 || document and formatted in compliance with LRCiv 7.1. Plaintiff is advised that if an 6 || amended complaint fails to state a claim upon which relief can be granted, the Court will || likely dismiss this action. Additionally, Plaintiff is advised that if he fails to timely comply 8 || with every provision of this Order, this action will be dismissed pursuant to Fed. R. Civ. P. 9|| 41(b). See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992) (district court may || dismiss action for failure to comply with any order of the Court). 11 Accordingly, 12 IT IS ORDERED: 13 1. Plaintiff’s Complaint (Doc. 1) is dismissed for failure to state a claim, failure 14|| to comply with Rule 8(a), and lack of standing. 15 2. If Plaintiff fails to file a First Amended Complaint within 30 days, the Clerk of Court must, without further notice, enter a judgment of dismissal of this action without || prejudice. 18 Dated this 26th day of February, 2026. 19

DLE

21 Jennifer G. 2 ps 22 Chiet United States District Judge 23 24 25 26 27 28 -4-

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-district-of-arizona-united-states-district-court-for-the-distri/2026/abraham-considine-living-estate-trust-v-unknown-party-hfhavsiq>