

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Curtis Abdul Al'Shahid v. Frederick E. Hall, et al.

Civil Action No. 2:26-cv-73 · No. 2:26-cv-73 · Decided February 10, 2026

SUMMARY

The document is an Order and Report and Recommendation addressing the screening of a pro se plaintiff’s amended employment-discrimination complaint under 28 U.S.C. § 1915(e)(2). The magistrate judge recommends dismissal for failure to state a claim and lack of subject-matter jurisdiction because the allegations do not support age discrimination or retaliation under the ADEA or another federal employment-discrimination statute. The recommendation also vacates the prior recommendation concerning the original complaint while leaving the in forma pauperis determination in effect.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Chelsey M. Vascura
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	February 10, 2026
DOCKET	2:26-cv-73
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on initial screening of a pro se plaintiff’s amended complaint under 28 U.S.C. § 1915(e)(2).
STANDARD OF REVIEW	The court applied the sua sponte screening standard under 28 U.S.C. § 1915(e)(2), using the Rule 12(b)(6) plausibility standard and Federal Rule of Civil Procedure 8(a) pleading requirements. Pro se pleadings were construed liberally but were required to provide sufficient factual matter to state a plausible claim.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

civil procedure

subject matter jurisdiction

age discrimination

retaliation

employment law

PRACTICE AREAS

employment law

civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether the amended complaint stated a plausible claim for age discrimination under the ADEA.
2. Whether the amended complaint stated a plausible claim for retaliation based on a complaint of age discrimination under the ADEA.
3. Whether the amended complaint stated a claim under any other federal employment-discrimination statute.
4. Whether the prior recommendation concerning the original complaint should be vacated because the amended complaint superseded the original pleading.
5. Whether the amended complaint should be dismissed during § 1915(e)(2) screening for failure to state a claim and lack of subject-matter jurisdiction.

HOLDINGS

1. The amended complaint failed to state a claim for age discrimination under the ADEA because it alleged only that Plaintiff was over forty and did not allege facts showing discrimination because of age.
2. The amended complaint failed to state an ADEA retaliation claim because Plaintiff did not allege that he complained about age discrimination or engaged in other conduct protected by the ADEA.
3. The amended complaint failed to state a claim for discrimination or retaliation under the ADEA or any other federal employment-discrimination statute.
4. The prior recommendation to dismiss the original complaint was vacated because the amended complaint was filed as of right and superseded the original complaint; the prior grant of in forma pauperis status remained effective.
5. The magistrate judge recommended dismissal of the amended complaint under § 1915(e)(2) for failure to state a claim and lack of subject-matter jurisdiction.

KEY QUOTATIONS

“As Plaintiff is permitted to amend his Complaint once as a matter of course under Federal Rule of Civil Procedure 15(a), Plaintiff’s Amended Complaint became operative upon filing and supersedes his original Complaint.”

“The amended complaint does not allege age discrimination, retaliation for making an age discrimination complaint, or discrimination or retaliation on the basis of any other federally protected class.”

“For these reasons, the portion of the undersigned’s January 29, 2026 Order and Report and Recommendation (ECF No. 3) that recommended dismissal of Plaintiff’s original Complaint is VACATED.”

FACTUAL BACKGROUND

Plaintiff, a former employee of H&P Protective Services, alleged that his supervisor questioned him about marijuana use, required a negative drug test, harassed him, reduced his work hours, and threatened termination after Plaintiff complained. Plaintiff also alleged that he was terminated based on a fabricated workplace incident and that the stated reason was pretextual retaliation for complaints concerning withheld pay. In his amended complaint and attached Ohio Civil Rights Commission charge, Plaintiff identified himself as over forty and checked boxes for age discrimination and retaliation, but did not allege facts connecting the defendants' conduct to age discrimination or to a complaint about age discrimination.

PROCEDURAL HISTORY

Plaintiff was granted leave to proceed in forma pauperis. After screening the original complaint, the magistrate judge recommended dismissal of the federal claims and declining supplemental jurisdiction over the state-law claims. Plaintiff filed an amended complaint instead of objecting, and the amended complaint superseded the original under Federal Rule of Civil Procedure 15(a). The magistrate judge vacated the prior dismissal recommendation while leaving the in forma pauperis ruling in effect, and recommended dismissal of the amended complaint for failure to state a claim and lack of subject-matter jurisdiction.

DISPOSITION

other

CASES CITED

- Denton v. Hernandez, 504 U.S. 25, 31 (1992)
- Neitzke v. Williams, 490 U.S. 319, 324 (1989)
- Hill v. Lappin, 630 F.3d 468, 470-71 (6th Cir. 2010)
- 16630 Southfield Ltd. Partnership v. Flagstar Bank, F.S.B., 727 F.3d 502, 503-04 (6th Cir. 2013)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Garrett v. Belmont County Sheriff's Department, 374 F. App'x 612, 614 (6th Cir. 2010)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Frengler v. General Motors, 482 F. App'x 975, 976-77 (6th Cir. 2012)
- Wells v. Brown, 891 F.2d 591, 594 (6th Cir. 1989)
- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. Walters, 638 F.2d 947 (6th Cir. 1981)