

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
MISSISSIPPI

Serena Ruiz v. Brian Gottlieb

Ruiz · No. 3:26-CV-25-JDM-RP · Decided February 25, 2026

SUMMARY

The court dismissed Serena Ruiz’s pro se action against Brian Gottlieb without prejudice under 28 U.S.C. § 1915(e)(2)(ii) for failure to state a claim and failure to establish jurisdiction. Ruiz did not respond to the court’s order to show cause, which was returned as undeliverable.

CASE DETAILS

COURT	United States District Court for the Northern District of Mississippi
JURISDICTION	United States District Court for the Northern District of Mississippi
DECIDED	February 25, 2026
DOCKET	3:26-CV-25-JDM-RP
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff seeking leave to proceed in forma pauperis filed a one-page civil complaint. The court screened the complaint under 28 U.S.C. § 1915(e)(2), ordered plaintiff to show cause why the action should not be dismissed for failure to state a claim, and dismissed the action without prejudice after plaintiff failed to respond.
STANDARD OF REVIEW	The complaint was screened sua sponte under 28 U.S.C. § 1915(e)(2)(ii) for failure to state a claim. The court applied the Rule 12(b)(6)-type plausibility standard.
PRECEDENTIAL VALUE	Unknown; district court judgment with no reporter citation.

TOPICS

- motions to dismiss
- subject matter jurisdiction
- civil procedure

PRACTICE AREAS

- civil procedure
- federal jurisdiction

QUESTIONS PRESENTED

1. Whether the pro se complaint stated a plausible claim for relief sufficient to survive screening under 28 U.S.C. § 1915(e)(2)(ii).
2. Whether the complaint adequately established the court's jurisdiction.

HOLDINGS

1. A complaint subject to in forma pauperis screening must plead enough facts to state a claim for relief that is plausible on its face; Ruiz's conclusory one-page complaint did not meet that standard and was subject to dismissal under 28 U.S.C. § 1915(e)(2)(ii).
2. The complaint did not adequately establish this court's jurisdiction.

KEY QUOTATIONS

“A complaint fails to state a claim on which relief may be granted when it does not plead “enough facts to state a claim to relief that is plausible on its face.””

FACTUAL BACKGROUND

Ruiz alleged only that Gottlieb had “failed to remain the same when doing his job” and, when adjudicating issues, had “showed tardiness.” The court found these allegations insufficient to state a plausible claim or establish the court’s jurisdiction. Ruiz also failed to respond to the court’s order to show cause, which was returned as undeliverable.

PROCEDURAL HISTORY

Serena Ruiz filed the action on February 3, 2026, against Brian Gottlieb. Because Ruiz sought leave to proceed in forma pauperis, the court screened the complaint under 28 U.S.C. § 1915(e)(2). On February 9, 2026, the court issued an order to show cause requiring a response by February 23, 2026. Ruiz did not respond, and the order was returned as undeliverable. The court entered judgment dismissing the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007)

OPINION

Ruiz

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF MISSISSIPPI

OXFORD DIVISION

SERENA RUIZ PLAINTIFF

V. CIVIL ACTION NO. 3:26-CV-25-JDM-RP

BRIAN GOTTLIEB DEFENDANT

JUDGMENT

On February 3, 2026, Serena Ruiz filed this pro se action against Brian Gottlieb. Because Ruiz seeks leave to proceed in forma pauperis, her complaint is subject to screening under 28 U.S.C. § 1915(e)(2). Section 1915(e)(2)(ii) provides for the sua sponte dismissal if it “fails to state a claim on which relief may be granted.” A complaint fails to state a claim on which relief may be granted when it does not plead “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007). Ruiz’s one-page complaint falls far short of stating a plausible claim or establishing this Court’s jurisdiction. Ruiz merely alleges Gottlieb “failed to remain the same when doing his job” and “[w]hen adjudicating issues, . . . showed tardiness.” This is not enough to avoid dismissal under Section 1915(e)(2). On February 9, 2026, the Court ordered Ruiz to show cause, no later than February 23, 2026, as to why her case should not be dismissed for failure to state a claim. Ruiz did not respond to the Order to Show Cause, and the Order was returned as undeliverable. THEREFORE, this action is DISMISSED without prejudice. SO ORDERED, this the 25th day of February 2026. /s/ James D. Maxwell II

UNITED STATES DISTRICT JUDGE

NORTHERN DISTRICT OF MISSISSIPPI