

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

Benjamin Thurman v. Rug Doctor

Thurman v. Rug Doctor, No. 4:25-cv-01896 SPM (E.D. Mo. Jan. 6, 2026) · No. 4:25-cv-01896 SPM · Decided
January 6, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri grants Benjamin Thurman’s application to proceed in forma pauperis but dismisses his employment discrimination complaint against Rug Doctor as frivolous under 28 U.S.C. § 1915(e)(2)(B). The court concludes that prior frivolity dismissals of substantially identical complaints have res judicata effect and denies the motion to appoint counsel as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	January 6, 2026
DOCKET	4:25-cv-01896 SPM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff sought leave to proceed in forma pauperis in a repeated employment-discrimination action. On initial review, the district court granted in forma pauperis status but dismissed the complaint as frivolous under 28 U.S.C. § 1915(e)(2)(B), and denied appointment of counsel as moot.
STANDARD OF REVIEW	Initial screening of an in forma pauperis complaint under 28 U.S.C. § 1915(e)(2)(B); the court assesses whether the complaint is frivolous, malicious, or fails to state a plausible claim for relief, accepting well-pleaded facts as true but disregarding legal conclusions and conclusory allegations.
PRECEDENTIAL VALUE	Unpublished federal district court opinion; nonprecedential
PARTIES	Benjamin Thurman v. Rug Doctor

TOPICS

res judicata

motions to dismiss

employment discrimination

civil procedure

PRACTICE AREAS

civil procedure

employment discrimination

civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff's application to proceed in forma pauperis should be granted based on his inability to pay the filing fee.
2. Whether the repeated employment-discrimination complaint was frivolous and subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) because prior frivolous dismissals had res judicata effect.
3. Whether Plaintiff's motion to appoint counsel should be denied as moot after dismissal.

HOLDINGS

1. The court granted Plaintiff's application to proceed without prepaying fees and costs because his financial information showed that he was unable to pay the filing fee.
2. A subsequent in forma pauperis complaint asserting the same claims is properly dismissed as frivolous under § 1915(e)(2)(B) when prior complaints asserting those claims were dismissed as frivolous and therefore have res judicata effect.
3. Plaintiff's motion to appoint counsel was denied as moot.

KEY QUOTATIONS

“Under 28 U.S.C. § 1915(e)(2)(B), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief may be granted.” (at 1)

“A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” (at 1)

“The court must “accept as true the facts alleged, but not legal conclusions or threadbare recitals of the elements of a cause of action, supported by mere conclusory statements.”” (at 1)

FACTUAL BACKGROUND

Benjamin Thurman repeatedly brought an employment-discrimination action against his former employer, Rug Doctor, alleging the same claims. This action was his seventh such case. Five prior in forma pauperis cases had been dismissed as frivolous, and the court noted that a sixth case had also been dismissed pursuant to *Waller v. Goose*.

PROCEDURAL HISTORY

This was Plaintiff's seventh employment-discrimination action against Rug Doctor alleging the same claims. Five prior in forma pauperis cases had been dismissed as frivolous, and a sixth case had also been dismissed

under *Waller v. Groose*. The court concluded that the prior frivolous dismissals had res judicata effect and dismissed the present complaint as frivolous on initial review.

DISPOSITION

dismissed

CASES CITED

- *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009)
- *Barton v. Taber*, 820 F.3d 958, 964 (8th Cir. 2016)
- *Vaughn v. Performance Labs, LLC*, No. 24-2920, 2024 WL 5265348 (8th Cir. Dec. 30, 2024)
- *Waller v. Groose*, 38 F.3d 1007 (8th Cir. 1994)
- *Thurman v. Rug Doctor*, No. 4:23-cv-00659 SPM (E.D. Mo. Sept. 19, 2023)
- *Thurman v. Rug Doctor*, No. 4:24-cv-00810 SPM (E.D. Mo. June 13, 2024)
- *Thurman v. Rug Doctor*, No. 4:24-cv-01199 SPM (E.D. Mo. Oct. 9, 2024)
- *Thurman v. Rug Doctor*, No. 4:25-cv-0022 SPM (E.D. Mo. Jan. 16, 2025)
- *Thurman v. Rug Doctor*, No. 4:25-cv-00808 SPM (E.D. Mo. June 4, 2025)
- *Thurman v. Rug Doctor*, No. 4:25-cv-01341 HEA (E.D. Mo. Sept. 9, 2025)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION BENJAMIN THURMAN,)) Plaintiff,)) v.) No. 4:25-cv-01896 SPM) RUG DOCTOR,)) Defendant.) OPINION, MEMORANDUM AND ORDER This matter is before the Court upon self-represented Plaintiff Benjamin Thurman’s application to proceed in district court without prepaying fees or costs. [ECF No. 2].

After reviewing Plaintiff’s financial information, the Court finds that he is unable to pay the filing fee and will grant the motion. Additionally, for the reasons stated below, the Court will dismiss Plaintiff’s claim as frivolous under 28 U.S.C. § 1915(e)(2)(B). Legal Standard on Initial Review Under 28 U.S.C. § 1915(e)(2)(B), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief may be granted.

To state a claim, a plaintiff must demonstrate a plausible claim for relief, which is more than a “mere possibility of misconduct.” *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* at 678.

Determining whether a complaint states a plausible claim for relief is a context-specific task that requires the reviewing court to draw upon judicial experience and common sense. *Id.* at 679. The court must “accept as true the facts alleged, but not legal conclusions or threadbare recitals of

the elements of a cause of action, supported by mere conclusory statements.” *Barton v. Taber*, 820 F.3d 958, 964 (8th Cir.

2016). Discussion This is the seventh time Plaintiff has brought this employment discrimination case against his former employer, Rug Doctor. Five of Plaintiff’s prior cases were brought in forma pauperis and were dismissed as frivolous under § 1915(e)(2)(B). See *Thurman v. Rug Doctor*, No. 4:23- cv-00659 SPM (E.D. Mo. Sept. 19, 2023) (*Thurman I*) (dismissing complaint as frivolous and for failure to state a claim upon which relief may be granted); *Thurman v. Rug Doctor*, No. 4:24- cv-00810 SPM (E.D.

Mo. Jun. 13, 2024) (finding *Thurman I* dismissal has res judicata effect and dismissing complaint as frivolous); *Thurman v. Rug Doctor*, No. 4:24-cv-01199 SPM (E.D. Mo. Oct. 9, 2024) (dismissing complaint as frivolous and for failure to state a claim); *Thurman v. Rug Doctor*, No. 4:25-cv-0022 SPM (E.D. Mo. Jan. 16, 2025) (dismissing complaint as frivolous); and *Thurman v. Rug Doctor*, No. 4:25-cv-00808 SPM (E.D.

Mo. June 4, 2025) (dismissing complaint as frivolous).¹ A § 1915(e)(2) dismissal of a subsequent in forma pauperis complaint on res judicata grounds is proper if prior complaints were dismissed as frivolous. See *Vaughn v. Performance Labs, LLC*, No. 24-2920, 2024 WL 5265348 (8th Cir. Dec. 30, 2024) (citing *Waller v. Goose*, 38 F.3d 1007 (8th Cir. 1994)). This is the seventh time Plaintiff has brought this employment discrimination suit against defendant Rug Doctor alleging the same claims.

Five of Plaintiff’s ¹Plaintiff’s sixth case was dismissed on September 9, 2025, pursuant to the Eighth Circuit case of *Waller v. Goose*, 38 F.3d 1007 (8th Cir. 1994). See *Thurman v. Rug Doctor*, No. 4:25-cv-01341 HEA (E.D. Mo. Sept. 9, 2025). -2- prior cases were dismissed on initial review as frivolous.

The prior dismissals of Plaintiffs five cases for frivolity under §1915(e)(2)(B) have res judicata effect on this newest in forma pauperis complaint. /d. Accordingly, the Court finds this seventh complaint is frivolous for purposes of §1915(e)(2)(B) review. It will be dismissed.

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s application to proceed in the district court without prepaying fees and costs is GRANTED. [ECF No. 2] IT IS FURTHER ORDERED that this action is DISMISSED as frivolous. See 28 U.S.C. §1915(e)(2)(B). IT IS FURTHER ORDERED that Plaintiff’s motion to appoint counsel is DENIED as moot. [ECF No. 3] An Order of Dismissal will accompany this Opinion, Memorandum and Order.

Dated this 6th day of January, 2026. UNITED STATES DISTRICT JUDGE -3-