

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

Keener v. Cross Country Mortgage, LLC, et al.

Keener · No. 1:26 CV 00917 · Decided April 22, 2026

SUMMARY

The court grants Jeffrey Keener’s application to proceed in forma pauperis but dismisses his civil rights complaint for failure to satisfy Federal Rule of Civil Procedure 8 and for asserting implausible and insufficient factual allegations. The court finds that Keener has repeatedly filed frivolous or vexatious actions and permanently enjoins him from filing new cases without first obtaining leave of court. The order sets out filing and certification requirements for any future motion seeking leave to file.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	Dan Aaron Polster
JURISDICTION	United States District Court for the Northern District of Ohio, Eastern Division
DECIDED	April 22, 2026
DOCKET	1:26 CV 00917
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff filed a civil rights complaint and an application to proceed in forma pauperis. The district court granted the in forma pauperis application, dismissed the complaint for failure to satisfy federal pleading requirements, and permanently enjoined plaintiff from filing new cases without first obtaining leave of court.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e), the court must dismiss an in forma pauperis action that fails to state a claim or lacks an arguable basis in law or fact. Pro se pleadings are liberally construed, but they must still satisfy Federal Rule of Civil Procedure 8(a)(2) and provide fair notice of the claims and factual grounds supporting them.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; nonprecedential

PARTIES

Jeffrey Keener v. Cross Country Mortgage, LLC, Berkshire Hathaway
Real Estate

TOPICS

motions to dismiss

pleadings

civil procedure

injunctions

civil rights

PRACTICE AREAS

Civil procedure

Civil rights

Federal courts

Remedies

QUESTIONS PRESENTED

1. Whether the complaint stated a viable federal civil rights claim and satisfied the pleading requirements of Federal Rule of Civil Procedure 8(a)(2).
2. Whether the complaint was subject to dismissal under 28 U.S.C. § 1915(e) because it failed to state a claim or lacked an arguable basis in law or fact.
3. Whether the court could permanently enjoin plaintiff from filing new lawsuits without first obtaining leave of court based on his pattern of frivolous and vexatious filings.

HOLDINGS

1. The complaint failed to satisfy Rule 8(a)(2) because it did not provide the defendants fair notice of any viable legal claim or the factual grounds supporting such a claim.
2. The court dismissed the in forma pauperis complaint because it failed to state a claim and contained allegations that were, at times, wholly incredible and irrational.
3. The court permanently enjoined Jeffrey Keener, also known as Jeffrey A. Keener, from filing new lawsuits without first requesting and obtaining leave of court under specified filing, certification, disclosure, and documentation requirements.

KEY QUOTATIONS

“A complaint must contain either direct or inferential allegations regarding all the material elements of some viable legal theory to satisfy federal notice pleading requirements.” (-3)

“Plaintiff’s complaint fails to meet even the most liberal reading of the Rule 8 pleading standard.” (-4)

“Further, Plaintiff Jeffrey Keener (aka Jeffrey A. Keener) is permanently ENJOINED from filing new cases without first requesting and obtaining leave of court in accordance with the terms set forth in this Memorandum Opinion and Order.” (-7)

FACTUAL BACKGROUND

Keener's complaint consisted of a brief, incoherent narrative alleging that he had been assaulted, threatened with death if he contacted police, and subjected to long-term harassment and defamation. He alleged injuries including facial scars, head wounds, broken bones, and medical expenses, and sought \$300,000,000 in damages.

He identified "freedom of speech" as the basis for federal jurisdiction but did not identify a recognized legal claim or sufficient facts connecting the defendants to a viable federal cause of action.

PROCEDURAL HISTORY

Keener filed this action against Cross Country Mortgage, LLC, and Berkshire Hathaway Real Estate seeking \$300,000,000 in damages. The court granted his application to proceed in forma pauperis, screened the complaint under 28 U.S.C. § 1915(e), dismissed the complaint, and imposed a prefiling injunction based on his history of frivolous and vexatious litigation.

DISPOSITION

dismissed

CASES CITED

- Boag v. MacDougall, 454 U.S. 364, 365, 102 S. Ct. 700, 70 L. Ed. 2d 551 (1982) (per curiam)
- Haines v. Kerner, 404 U.S. 519, 520, 92 S. Ct. 594, 30 L. Ed. 2d 652 (1972)
- Neitzke v. Williams, 490 U.S. 319, 327-28, 109 S. Ct. 1827, 104 L. Ed. 2d 338 (1989)
- Lawler v. Marshall, 898 F.2d 1196 (6th Cir. 1990)
- Sistrunk v. City of Strongsville, 99 F.3d 194, 197 (6th Cir. 1996)
- Denton v. Hernandez, 504 U.S. 25, 32-33, 112 S. Ct. 1728, 118 L. Ed. 2d 340 (1992)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 564, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 677-78, 129 S. Ct. 1937, 173 L. Ed. 2d 868 (2009)
- Papasan v. Allain, 478 U.S. 265, 286, 106 S. Ct. 2932, 92 L. Ed. 2d 209 (1986)
- Bibbo v. Dean Witter Reynolds, Inc., 151 F.3d 559, 561 (6th Cir. 1998)
- El Bey v. Roop, 530 F.3d 407, 413 (6th Cir. 2008)
- Pilgrim v. Littlefield, 92 F.3d 413, 416 (6th Cir. 1996)
- Wells v. Brown, 891 F.2d 591, 594 (6th Cir. 1989)
- Scheid v. Fanny Farmer Candy Shops, Inc., 859 F.2d 434, 437 (6th Cir. 1988)
- Bassett v. Nat'l Collegiate Ath. Ass'n, 528 F.3d 426, 437 (6th Cir. 2008)
- Lillard v. Shelby County Bd. of Educ., 76 F.3d 716, 726-27 (6th Cir. 1996)
- Procup v. Strickland, 792 F.2d 1069, 1073 (11th Cir. 1986)
- Filipas v. Lemons, 835 F.2d 1145 (6th Cir. 1987)
- Wrenn v. Vanderbilt Univ. Hosp., Nos. 94-5453, 94-5593, 1995 U.S. App. LEXIS 5470, 1995 WL 111480 (6th Cir. Mar. 15, 1995)

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