

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

Cherice Moore v. United States Army, et al.

Moore · No. 25-cv-13717 · Decided December 29, 2025

SUMMARY

The United States District Court for the Eastern District of Michigan granted Cherice Moore’s application to proceed in forma pauperis. The court dismissed her complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B) for failure to state a plausible claim for relief and determined that an appeal in forma pauperis would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	Robert J. White
JURISDICTION	United States District Court for the Eastern District of Michigan, Southern Division
DECIDED	December 29, 2025
DOCKET	25-cv-13717
DISPOSITION	dismissed
PROCEDURAL POSTURE	The pro se plaintiff applied to proceed in forma pauperis. The district court screened the complaint under 28 U.S.C. § 1915(e)(2)(B), granted the application, and dismissed the complaint without prejudice for failure to state a plausible claim for relief.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss an in forma pauperis complaint that is frivolous, fails to state a claim on which relief may be granted, or seeks monetary relief from an immune defendant. For failure to state a claim, the complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face.
PRECEDENTIAL VALUE	Unknown; unpublished district court order

TOPICS

- pleadings motions to dismiss subject matter jurisdiction civil procedure military law

PRACTICE AREAS

Civil procedure

Federal courts

In forma pauperis screening

Military-related claims

QUESTIONS PRESENTED

1. Whether plaintiff demonstrated the inability to pay the filing fee and therefore qualified to proceed in forma pauperis.
2. Whether the complaint stated a plausible claim for relief under the screening requirements of 28 U.S.C. § 1915(e)(2)(B).
3. Whether plaintiff could proceed in forma pauperis on appeal.

HOLDINGS

1. Plaintiff qualified to proceed in forma pauperis because her application demonstrated indigence.
2. The complaint failed to state a plausible claim for relief because it did not identify the federal authority underlying plaintiff's claims or otherwise articulate a legally cognizable claim.
3. Plaintiff may not proceed in forma pauperis on appeal because an appeal would not be taken in good faith.

KEY QUOTATIONS

“To avoid dismissal for failure to state a claim, “a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.””

“pro se litigants remain subject to the Federal Rules of Civil Procedure, and courts are not expected to devise a claim where the plaintiff has failed to articulate one in his pleadings”

FACTUAL BACKGROUND

Plaintiff alleged that she and her children were exposed to “direct energy attacks” beginning in May 2020 while living at Fort Lee in Virginia. She alleged that she reported her concerns through her chain of command and to other officials at Fort Lee but was essentially ignored. She submitted a personal injury claim to the United States Army in March 2025, which the Army denied. Her complaint asserted federal-question jurisdiction but did not identify the federal law supporting her claims.

PROCEDURAL HISTORY

Plaintiff filed a one-page complaint and an application to proceed in forma pauperis. The court found that she demonstrated indigence and permitted the complaint to be filed without prepayment of the filing fee. On screening, the court concluded that the complaint did not identify an underlying federal legal authority or articulate a plausible claim, and dismissed it without prejudice. The court also ruled that any appeal could not proceed in forma pauperis because it would not be taken in good faith.

DISPOSITION

dismissed

CASES CITED

- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Neitzke v. Williams, 490 U.S. 319, 325, 327-28 (1989)
- Center for Bio-Ethical Reform, Inc. v. Napolitano, 648 F.3d 365, 369 (6th Cir. 2011)
- Gibbs v. Mich. Unemployment Agency, No. 22-12668, 2022 U.S. Dist. LEXIS 207098, at *3 (E.D. Mich. Nov. 15, 2022)
- Brown v. Matauszak, 415 F. App'x 608, 613 (6th Cir. 2011)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION CHERICE MOORE, Plaintiff, Case No. 25-cv-13717 v. Honorable Robert J. White UNITED STATES ARMY, et al. Defendants. ORDER GRANTING PLAINTIFF'S IFP APPLICATION AND DISMISSING THE COMPLAINT Before the Court is pro se Plaintiff Cherice Moore's application to proceed in forma pauperis. (ECF No. 2).

For the following reasons, the Court will (1) grant the application and allow the complaint to be filed without prepayment of the filing fee, and (2) dismiss the complaint for failing state a plausible claim for relief. Pursuant to 28 U.S.C. § 1915(a)(1), the Court may permit a person to commence a lawsuit without prepaying the filing fee, provided the applicant submits an affidavit demonstrating the inability "to pay such fees or give security therefor." Here, Plaintiff's application has made the required showing of indigence.

The Court therefore grants the application and permits the complaint to be filed without requiring Plaintiff to prepay the filing fee. Pro se complaints are held to "less stringent standards" than those drafted by lawyers. Haines v. Kerner, 404 U.S. 519, 520 (1972). Nonetheless, the Court must dismiss an in forma pauperis complaint if it: (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.

28 U.S.C. § 1915(e)(2)(B). A complaint is frivolous if "it lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989). In other words, a complaint is frivolous if "based on an indisputably meritless legal theory" or "clearly baseless" facts or "a legal interest which clearly does not exist" or "fantastic or delusional scenarios." Id. at 327-28.

To avoid dismissal for failure to state a claim, "a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." Center for Bio-Ethical Reform, Inc. v. Napolitano, 648 F.3d 365, 369 (6th Cir. 2011) (cleaned up). Plaintiff provides a

one-page statement of her claim(s), alleging that she and her children were exposed to “direct energy attacks” beginning in May 2020, while living at Fort Lee in Virginia.

Plaintiff alleges that she reported concerns up her chain of command and to other officials at Fort Lee but was essentially ignored; she submitted a personal injury claim to the U.S. Army in March 2025, which it denied. (ECF No. 1, PageID.6). Plaintiff asserts that the Court has federal question jurisdiction under 28 U.S.C. § 1331, but she critically fails to identify any federal authority underlying her claim(s).

While Plaintiff lists “Codes 360 [and] 895 of the suit code docipotions[1] [sic]” (ECF No. 1, PageID.4), as a specific source of federal law at issue here, the Court is unsure what she means. Given this deficiency, the Court is essentially left to devise the nature of Plaintiff’s claims. See *Gibbs v. Mich. Unemployment Agency*, No. 22-12668, 2022 U.S. Dist. LEXIS 207098, at *3 (E.D.

Mich. Nov. 15, 2022) (“pro se litigants remain subject to the Federal Rules of Civil Procedure, and courts are not expected to devise a claim where the plaintiff has failed to articulate one in his pleadings”) (citing *Brown v. Matauszak*, 415 F. App’x 608, 613 (6th Cir. 2011)).

The Court will therefore dismiss Plaintiff’s complaint without prejudice. * * * For the reasons given, the Court ORDERS that the Plaintiff’s application for leave to proceed in forma pauperis (ECF No. 2) is GRANTED.

The Court accepts the filed complaint and will not require prepayment of the filing fee. The Court further ORDERS that the complaint (ECF No. 1) is DISMISSED WITHOUT PREJUDICE for failure to state a claim for relief. 1 This word is either illegible or misspelled in Plaintiff’s complaint.

The Court further ORDERS that Plaintiff may not file an appeal in forma pauperis because it would not be taken in good faith. See 28 U.S.C. § 1915(a)(3). Dated: December 29, 2025 s/Robert J. White Robert J. White United States District Judge