

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Eunice Allen v. Allstate New Jersey Property & Casualty Ins. Co., et al.

Allen · No. Civil No. 25-15348 (RMB-EAP) · Decided February 9, 2026

SUMMARY

The United States District Court for the District of New Jersey grants Eunice Allen’s application to proceed in forma pauperis but dismisses her complaint without prejudice. The court concludes that the defendants are private parties and therefore not state actors for purposes of 42 U.S.C. § 1983, and that the cited New Jersey statutes establish statutes of limitations rather than independent causes of action.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Renée Marie Bumb
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	February 9, 2026
DOCKET	Civil No. 25-15348 (RMB-EAP)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff filed a complaint under 42 U.S.C. § 1983 and an application to proceed in forma pauperis. The court granted IFP status, screened the complaint under 28 U.S.C. § 1915(e)(2)(B), and dismissed the complaint without prejudice.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss an IFP complaint that is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The failure-to-state-a-claim standard under § 1915(e)(2)(B)(ii) is the same as the Rule 12(b) (6) standard, and pro se pleadings are liberally construed.
PRECEDENTIAL VALUE	unknown
PARTIES	Eunice Allen v. Allstate New Jersey Property & Casualty Insurance Company, Francis X. Ryan, Esq., Kevin W. Fay, Esq., Kenneth D. Ross

TOPICS

section 1983

state action

due process

motions to dismiss

pleadings

PRACTICE AREAS

civil procedure

constitutional law

civil rights

insurance

contracts

QUESTIONS PRESENTED

1. Whether Allen's § 1983 claim stated a claim where the complaint alleged conduct by a private insurer and private attorneys but did not plead facts showing that any defendant acted under color of state law.
2. Whether N.J.S.A. §§ 2A:14-1 and 2A:14-2(a) supplied an independent cause of action where those provisions establish statutes of limitations and the complaint did not allege a contract, breach, or responsible defendant.
3. Whether the complaint should be dismissed under the screening provisions applicable to an IFP action.

HOLDINGS

1. The complaint failed to state a § 1983 claim because it did not allege facts showing that any defendant was a state actor or acted under color of state law.
2. The cited New Jersey statutes did not provide Allen with independent causes of action because they are statutes of limitations, and the complaint also failed to plead facts supporting a breach-of-contract claim.
3. The complaint was dismissed without prejudice under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim.

KEY QUOTATIONS

“Thus, to avoid dismissal of her Section 1983 claim, Ms. Allen must plead enough facts to show that she suffered a deprivation of a federal constitutional or statutory right by a state actor.” (III.A)

“As both provisions are statutes of limitations, they do not provide Ms. Allen with a private cause of action but rather govern the timeliness of her alluded to breach of contract claim.” (III.B)

“For the reasons stated above, the Court will GRANT Ms. Allen’s IFP application and DISMISS her Complaint WITHOUT PREJUDICE.” (IV)

FACTUAL BACKGROUND

Allen alleged that Allstate New Jersey Property & Casualty Insurance Company and three private attorneys failed to protect her interests while she was mentally incapacitated. She asserted that this conduct deprived her of due process under the Fourteenth Amendment and invoked 42 U.S.C. § 1983. She referenced New Jersey statutes governing limitations periods but alleged no facts establishing a contract, a breach, or which defendant breached any contract.

PROCEDURAL HISTORY

Allen filed a complaint alleging that private defendants violated her Fourteenth Amendment due-process rights by failing to protect her interests while she was mentally incapacitated. She also referenced New Jersey statutes concerning limitations periods and checked a form indicating a Bivens claim, although she named no federal officials. The court granted her IFP application and dismissed the complaint without prejudice after screening.

DISPOSITION

dismissed

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Schreane v. Seana, 506 F. App'x 120, 122 (3d Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 556, 570 (2007)
- Leshko v. Servis, 423 F.3d 337, 339 (3d Cir. 2005)
- Rendell-Baker v. Kohn, 457 U.S. 830, 838 (1982)
- Lugar v. Edmondson Oil Co., 457 U.S. 922, 937 (1982)
- Kach v. Hose, 589 F.3d 626, 646 (3d Cir. 2009)
- Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 245 (3d Cir. 2013)
- Riddle v. Mondragon, 83 F.3d 1197, 1202 (10th Cir. 1996)
- Grohs v. Yatauro, 984 F. Supp. 2d 273, 282 (D.N.J. 2013)
- Milhouse v. Carlson, 652 F.2d 371, 373 (3d Cir. 1981)