

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Kenneth W. Clark v. David Barber, John A. Vik, Captain, #902138;
Kingswood, #2202; and Guthard, #22126

No. 4:24CV3093 · No. 4:24CV3093 · Decided December 11, 2025

SUMMARY

The United States District Court for the District of Nebraska dismissed Kenneth W. Clark’s pro se civil rights complaint against David Barber and other defendants without prejudice under 28 U.S.C. § 1915(e)(2). The court found the complaint unintelligible, failed to connect specific defendants to alleged violations, did not satisfy Federal Rule of Civil Procedure 8, and could not support claims under Bivens or 42 U.S.C. § 1983. The court also concluded that any challenge to a state-court real-property judgment was barred by the Rooker-Feldman doctrine.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	F. Bataillon
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	December 11, 2025
DOCKET	4:24CV3093
DISPOSITION	dismissed
PROCEDURAL POSTURE	On initial review of a pro se, in forma pauperis civil-rights complaint under 28 U.S.C. § 1915(e)(2), the district court dismissed the action without prejudice and without leave to amend.
STANDARD OF REVIEW	Mandatory initial review under 28 U.S.C. § 1915(e)(2); the court assessed whether the complaint was frivolous, malicious, failed to state a claim, or sought relief from an immune defendant. The pleading was evaluated under the plausibility and fair-notice requirements of Federal Rule of Civil Procedure 8.
PRECEDENTIAL VALUE	unpublished
PARTIES	Kenneth W. Clark v. David Barber, John A. Vik, Captain, #902138, Kingswood, #2202, Guthard, #22126

TOPICS

civil procedure

motions to dismiss

section 1983

subject matter jurisdiction

real estate

PRACTICE AREAS

civil procedure

civil rights

constitutional law

real estate

QUESTIONS PRESENTED

1. Whether the complaint stated a claim under 42 U.S.C. § 1983 or Bivens.
2. Whether the complaint satisfied Federal Rule of Civil Procedure 8's requirement that it provide a short, plain, and comprehensible statement showing entitlement to relief.
3. Whether the court had subject-matter jurisdiction under the Rooker-Feldman doctrine over claims apparently seeking relief from a state-court judgment.
4. Whether dismissal without prejudice and without leave to amend was appropriate because the complaint was unintelligible and amendment would be futile.

HOLDINGS

1. Clark's Bivens claim failed because the complaint did not allege that any defendant was a federal official or acted under color of federal law.
2. The complaint failed to state a § 1983 claim because it did not identify a constitutional or federal statutory violation caused by a person acting under color of state law or connect any defendant to specific wrongful conduct.
3. The complaint failed to satisfy Federal Rule of Civil Procedure 8 because it did not provide a short, plain, simple, concise, and direct statement of the claims or the grounds for relief.
4. The district court lacked authority under the Rooker-Feldman doctrine to review, reverse, or alter the state-court judgment that apparently formed the basis of Clark's claims.
5. Dismissal without prejudice and without leave to amend was proper because the complaint failed to state a claim and the court concluded amendment would be futile in light of Clark's history of filing actions that failed to comply with federal pleading rules.

KEY QUOTATIONS

"Upon review, the Court finds summary dismissal is appropriate."

"The Court is precluded from granting him any relief with respect to that state court judgment under the Rooker-Feldman doctrine."

"This matter is dismissed without prejudice for failure to state a claim upon which relief may be granted."

FACTUAL BACKGROUND

Clark filed a largely unintelligible pro se complaint concerning alleged wrongdoing involving a mortgage house, real property, a state-court proceeding, and alleged civil-rights violations. He named David Barber and several Lancaster County Sheriff's office employees but did not identify specific conduct by any defendant or explain

how the defendants violated federal law. He sought \$5 million in damages and supplemented the complaint with additional vague references to trespass, probate fraud, false reporting, and related legal terms.

PROCEDURAL HISTORY

Clark filed a pro se civil-rights complaint seeking \$5 million in damages and was granted leave to proceed in forma pauperis. The court considered the complaint and supplemental filings during mandatory initial screening, determined that the allegations were unintelligible and failed to state a claim, and dismissed the action without prejudice and without leave to amend because amendment would be futile.

DISPOSITION

dismissed

CASES CITED

- *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971)
- *West v. Atkins*, 487 U.S. 42, 48 (1988)
- *Buckley v. Barlow*, 997 F.2d 494, 495 (8th Cir. 1993)
- *Gordon v. Hansen*, 168 F.3d 1109, 1113 (8th Cir. 1999)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 569-70 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Topchian v. JPMorgan Chase Bank, N.A.*, 760 F.3d 843, 848-49 (8th Cir. 2014)
- *Hopkins v. Saunders*, 199 F.3d 968, 973 (8th Cir. 1999)
- *Martin v. Aubuchon*, 623 F.2d 1282, 1286 (8th Cir. 1980)
- *Erickson v. Pardus*, 551 U.S. 89, 93 (2007)
- *Haines v. Kerner*, 404 U.S. 519, 520 (1972)
- *Burgs v. Sissel*, 745 F.2d 526, 528 (8th Cir. 1984)
- *Stone v. Harry*, 364 F.3d 912, 914 (8th Cir. 2004)
- *Dunn v. White*, 880 F.2d 1188, 1197 (10th Cir. 1989)
- *Cunningham v. Ray*, 648 F.2d 1185, 1186 (8th Cir. 1981)
- *Mosby v. Ligon*, 418 F.3d 927, 931 (8th Cir. 2005)
- *D.C. Court of Appeals v. Feldman*, 460 U.S. 462, 476, 486 (1983)
- *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923)
- *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280 (2005)
- *Ballinger v. Culotta*, 322 F.3d 546, 548-49 (8th Cir. 2003)
- *West v. Crnkovich*, No. 8:12CV273, 2013 WL 2295461, at *3 (D. Neb. May 24, 2013)
- *Keene Corp. v. Cass*, 908 F.2d 293, 297 (8th Cir. 1990)
- *Krych v. Hvass*, 83 Fed. Appx. 854, 855 (8th Cir. 2003)
- *Clark v. Aerni*, No. 8:24CV392, 2024 WL 4906131, at *5-*6 (D. Neb. Nov. 27, 2024)

- Clark v. Lancaster Ct. of Nebraska, No. 4:23CV3057, 2023 WL 7041961, at *2 (D. Neb. Oct. 26, 2023)
- Clark v. Wells Fargo Bank, No. 4:23CV3060, 2023 WL 7041962, at *2 (D. Neb. Oct. 26, 2023)

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