

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

Danielle LaTriece Tucker v. PayPal

Tucker v. PayPal · No. 2:25-cv-1177 · Decided January 22, 2026

SUMMARY

The United States District Court for the Southern District of Ohio overruled Danielle LaTriece Tucker’s objection to a magistrate judge’s recommendation and adopted the recommendation in full. The court dismissed her pro se complaint against PayPal under 28 U.S.C. § 1915(e)(2) for failure to state a claim and failure to establish subject-matter jurisdiction.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	James L. Graham
JURISDICTION	United States District Court for the Southern District of Ohio
DECIDED	January 22, 2026
DOCKET	2:25-cv-1177
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's Order and Report and Recommendation recommending dismissal of her complaint following screening under 28 U.S.C. § 1915(e)(2). The district court conducted de novo review, overruled the objection, adopted the recommendation, and dismissed the complaint.
STANDARD OF REVIEW	De novo review of the portions of the magistrate judge's report and recommendation to which timely objection was made, under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).
PRECEDENTIAL VALUE	Unknown; unpublished district court opinion
PARTIES	Danielle LaTriece Tucker v. PayPal

TOPICS

- pleadings
- subject matter jurisdiction
- civil procedure
- consumer protection

PRACTICE AREAS

federal civil procedure

pleading standards

in forma pauperis screening

subject matter jurisdiction

consumer protection

QUESTIONS PRESENTED

1. Whether the district court should overrule the objection and adopt the magistrate judge's recommendation to dismiss the complaint after de novo review.
2. Whether the complaint and objection stated a legally cognizable claim with fair notice of the factual and legal grounds for relief.
3. Whether the plaintiff adequately established subject matter jurisdiction.

HOLDINGS

1. When a party timely objects to a magistrate judge's report and recommendation, the district court must conduct a de novo determination of the portions specifically objected to and may accept, reject, or modify the recommendation.
2. A complaint must provide fair notice of the factual and legal grounds supporting the claims, and a complaint that fails to identify a claim or explain how the defendant's conduct was wrongful may be dismissed for failure to state a claim.
3. A court must dismiss an in forma pauperis action that is frivolous or malicious or that fails to state a claim upon which relief may be granted.
4. A plaintiff must explain the basis for the federal court's subject matter jurisdiction; failure to do so supports dismissal.

KEY QUOTATIONS

“At bottom, Plaintiff has failed in her Complaint and Objection to give fair notice of the claims she is raising or to describe how PayPal’s conduct was wrongful and gave rise to a claim.” (Discussion)

“Accordingly, the Court OVERRULES Plaintiff’s Objection (Doc. 4) and ADOPTS the Magistrate Judge’s Order and Report and Recommendation (Doc. 3) in its entirety.” (Conclusion)

FACTUAL BACKGROUND

Plaintiff alleged that several PayPal accounts were opened in her name without her permission. She asserted that PayPal indicated fraud was involved after she complained and stated that a settlement should be negotiated. In her objection, she repeated some allegations, claimed to be a victim of identity theft, and listed several federal statutes and regulations without explaining the factual and legal basis for a claim or the court's jurisdiction.

PROCEDURAL HISTORY

Tucker filed a pro se complaint alleging that PayPal accounts had been opened in her name without permission and that PayPal identified fraud in response to her complaints. The magistrate judge screened the complaint

under 28 U.S.C. § 1915(e)(2) and recommended dismissal because the complaint failed to identify a claim, lacked sufficient factual and legal notice, and did not establish subject matter jurisdiction. Tucker filed a timely objection, which the district court overruled before adopting the recommendation and entering judgment for PayPal.

DISPOSITION

dismissed

CASES CITED

- United States v. Oguaju, 76 F. App'x 579, 581 (6th Cir. 2003)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION Danielle LaTriece Tucker, Plaintiff, Case No. 2:25-cv-1177 Judge James L. Graham v. Magistrate Judge Kimberly A. Jolson PAYPAL, Defendant. Opinion and Order This matter is before the Court on an Order and Report and Recommendation issued by the Magistrate Judge on October 14, 2025.

See Doc. 3. The Magistrate Judge conducted an initial screen of Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e)(2) and recommended that it be dismissed. Plaintiff timely objected. For the reasons stated below, the Court overrules Plaintiff's Objection and adopts the Magistrate Judge's Order and Report and Recommendation.

I. Background Plaintiff, proceeding pro se, filed a Complaint against PayPal, alleging that several PayPal accounts were opened in her name without her permission and that, in response to her complaints, PayPal indicated that fraud was involved. She further alleged that "a settlement needs to be negotiated for allowance of fraud." Doc. 1-1 at PAGEID 4.

The Magistrate Judge found that, for several reasons, Plaintiff's Complaint failed to state a claim upon which relief may be granted. First, her one-paragraph Complaint did not identify a claim that she was raising.

Second, insofar as Plaintiff was attempting to allege a violation of a criminal statute, a private right of action did not exist. See United States v. Oguaju, 76 F. App'x 579, 581 (6th Cir. 2003)). Third, "Plaintiff's allegations are too thin to provide fair notice of the factual and legal grounds underlying her claims." Doc. 3 at PAGEID 23. And finally, Plaintiff did not set forth how the Court has subject matter jurisdiction over the case.

Plaintiff submitted a letter to the Court on October 27, 2025, which the Court construes as an Objection to the Report and Recommendation. Like her Complaint, the letter is difficult to

decipher. She repeats some of the allegations in her Complaint and says that she has a PayPal account and is a victim of identity theft. She lists a number of laws that she asks the Court to “take into consideration.” Doc.

4 at PAGEID 26-27 (listing “Gramm-Leach-Bliley Act[,], Dodd-Frank Act[,], Consumer Financial Protection Act of 2010[, and] Section 103.4 of Regulation E”). II. Discussion When a party timely objects to a report and recommendation, the court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); Fed.

R. Civ. P. 72(b). The court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Congress authorized federal courts to dismiss certain claims brought in forma pauperis. 28 U.S.C. § 1915(e)(2) provides that the court “shall dismiss” an action if it is “frivolous or malicious” or “fails to state a claim on which relief may be granted.” On de novo review, the Court concurs with the Magistrate Judge’s analysis of the Complaint.

Plaintiff’s Objection fails to identify any legal or factual error made in the Report and Recommendation. And even considering the new allegations in the Objection, Plaintiff has not provided fair notice of the factual and legal grounds supporting any potential claim under the laws she listed. See Fed. R. Civ. P. 8(a); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007).

At bottom, Plaintiff has failed in her Complaint and Objection to give fair notice of the claims she is raising or to describe how PayPal’s conduct was wrongful and gave rise to a claim. She has also still failed to explain how the Court has subject matter jurisdiction over this action. III. Conclusion Accordingly, the Court **OVERRULES** Plaintiff’s Objection (Doc.

4) and **ADOPTS** the Magistrate Judge’s Order and Report and Recommendation (Doc. 3) in its entirety. The Court **DISMISSES** Plaintiff’s Complaint, and the Clerk of Court is instructed to enter judgment for defendant. s/ James L. Graham JAMES L. GRAHAM DATE: January 22, 2026
United States District Judge