

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
MISSISSIPPI, OXFORD DIVISION

Kelly Ross v. Joy Campanelli, Genine D. Edwards, and Brian
Gottlieb

Ross · No. 3:26-cv-00070-MPM-JMV · Decided May 14, 2026

SUMMARY

The United States District Court for the Northern District of Mississippi adopted a magistrate judge's Report and Recommendation and dismissed Kelly Ross's pro se complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii). The court held that the complaint failed to state a plausible claim and provided no factual basis for federal jurisdiction, and noted the plaintiff's pattern of filing identical complaints in multiple districts.

CASE DETAILS

COURT	United States District Court for the Northern District of Mississippi, Oxford Division
WRITING FOR THE COURT	Michael P. Mills
JURISDICTION	United States District Court for the Northern District of Mississippi, Oxford Division
DECIDED	May 14, 2026
DOCKET	3:26-cv-00070-MPM-JMV
DISPOSITION	dismissed
PROCEDURAL POSTURE	The plaintiff filed a pro se complaint and sought leave to proceed in forma pauperis. A magistrate judge recommended dismissal without prejudice under 28 U.S.C. § 1915(e)(2)(B), and the district court adopted the Report and Recommendation after the plaintiff filed no objections.
STANDARD OF REVIEW	The district court reviewed the Report and Recommendation and the record after no objections were filed, and applied the pleading standard governing dismissal for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B).
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation

TOPICS

pleadings

subject matter jurisdiction

civil procedure

PRACTICE AREAS

Federal civil procedure

Pleading sufficiency

In forma pauperis screening

Federal subject matter jurisdiction

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim for relief sufficient to survive screening under 28 U.S.C. § 1915(e)(2)(B).
2. Whether the complaint alleged a factual basis for federal subject matter jurisdiction.
3. Whether the Report and Recommendation recommending dismissal without prejudice should be adopted when the plaintiff filed no objections.

HOLDINGS

1. A complaint subject to in forma pauperis screening may be dismissed sua sponte under 28 U.S.C. § 1915(e)(2)(B)(ii) when it fails to plead enough factual matter to state a plausible claim for relief. Ross's conclusory one-page complaint failed to meet that standard.
2. A bare assertion that an action is within federal jurisdiction, without facts supporting a jurisdictional basis, is insufficient to establish federal subject matter jurisdiction at the pleading stage.

KEY QUOTATIONS

“A complaint fails to state a claim on which relief may be granted when it fails to plead “enough facts to state a claim to relief that is plausible on its face.””

“Conclusory allegations or legal conclusions masquerading as factual conclusions are insufficient to state a claim.”

FACTUAL BACKGROUND

Ross's one-page pro se complaint alleged that the defendants had engaged in ex parte communication, asserted that the case was within federal jurisdiction, and demanded damages. The complaint supplied no facts supporting the ex parte-communication allegation or establishing federal jurisdiction. Ross had also filed identical complaints against the same defendants in thirty-eight other federal districts during April, according to the Report and Recommendation.

PROCEDURAL HISTORY

Kelly Ross filed the action on March 31, 2026, alleging only that the defendants had engaged in ex parte communication, asserting federal jurisdiction, and demanding damages. The magistrate judge recommended dismissal without prejudice for failure to state a claim, failure to provide a factual basis for federal jurisdiction, and frivolity. The Report and Recommendation was returned as undeliverable, Ross filed no objections, and the district court adopted it and dismissed the complaint without prejudice.

DISPOSITION

dismissed

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Fernandez-Montez v. Allied Pilots Ass’n, 987 F.2d 278, 284 (5th Cir. 1993)

OPINION

Ross

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

OXFORD DIVISION

KELLY ROSS PLAINTIFF

v. No. 3:26-cv-00070-MPM-JMV

JOY CAMPANELLI, GENINE D. EDWARDS,
and BRIAN GOTTLIEB DEFENDANTS

ORDER OF DISMISSAL

This matter comes before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Jane M. Virden entered on April 2, 2026 [4]. The R&R recommends that the Court dismiss Plaintiff Kelly Ross’ Complaint under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim, failure to state any factual basis for federal court jurisdiction, and frivolity. Ms. Ross filed no objections. The Court has reviewed the record and finds that the R&R should be adopted. On March 31, 2026, Kelly Ross filed this pro se action against Joy Campanelli, Genine D. Edwards, and Brian Gottlieb. See [1]. Because Ms. Ross is seeking leave to proceed in forma pauperis [2], her complaint is subject to screening under 28 U.S.C. § 1915(e)(2), which provides for the sua sponte dismissal of the complaint if the court finds it is “frivolous or malicious” or if it “fails to state a claim on which relief may be granted.” A complaint fails to state a claim on which relief may be granted when it fails to plead “enough facts to state a claim to relief that is plausible on its face.” Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007). For the reasons stated below, the Court finds that Ms. Ross’ complaint fails to state a claim on which relief may be granted. Ms. Ross’ one-page complaint, in its entirety, alleges the following: “1. Defendants had ex parte communication, 2. This case is within federal jurisdiction, 3. Plaintiff demands damages to be decided by the Court.” See [1]. This blanket assertion falls far short of a plausible claim. Ms. Ross provides no facts in support of her allegations that the Defendants engaged in ex parte communications or any facts about this Court’s federal jurisdiction. Conclusory allegations or legal conclusions masquerading as factual conclusions are insufficient to state a claim. Fernandez-

Montez v. Allied Pilots Ass'n, 987 F.2d 278, 284 (5th Cir. 1993). On April 2, 2026, United States Magistrate Judge Jane M. Virden issued a Report and Recommendation [4] recommending that this case be dismissed without prejudice. The R&R referred Ms. Ross to Federal Rule of Civil Procedure 72(b) for the appropriate procedure to file objections within fourteen (14) days. The Magistrate Judge further pointed out that Ms. Ross, in the month of April alone, had filed identical complaints against the same Defendants in thirty-eight other districts across the nation, demonstrating a pattern of vexatious litigation that wastes judicial resources. [4] at 2-3. The R&R was returned as undeliverable, and Ms. Ross did not object. [5]. IT IS, THEREFORE, ORDERED that:

1. The Report and Recommendation [4] is ADOPTED as the opinion of the Court; and
2. Plaintiff Kelly Ross' Complaint [1] is DISMISSED without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii). A separate judgment will be entered on this date, pursuant to Fed. R. Civ. P. 58. SO ORDERED, this is the 14th day of May, 2026. /s/Michael P. Mills

UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI