

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ALABAMA, SOUTHERN DIVISION

Nameros D. Ford v. Birmingham Crossplex Transit Center

No. 2:26-cv-213-ACA (N.D. Ala. Mar. 16, 2026) · No. 2:26-cv-213-ACA · Decided March 16, 2026

SUMMARY

The United States District Court for the Northern District of Alabama dismisses Nameros D. Ford’s pro se civil rights complaint against Birmingham Crossplex Transit Center for failure to state a claim. The court concludes that the cited federal statutes do not create a constitutional right to window access on buses and that the proposed Title VI claim does not plausibly allege race-based discrimination. The court dismisses the action with prejudice, denies leave to amend as futile, and denies the motion to proceed to trial as moot.

CASE DETAILS

COURT	United States District Court for the Northern District of Alabama, Southern Division
WRITING FOR THE COURT	Annemarie Carney Axon
JURISDICTION	United States District Court for the Northern District of Alabama, Southern Division
DECIDED	March 16, 2026
DOCKET	2:26-cv-213-ACA
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court ordered Plaintiff to show cause why his civil-rights complaint should not be dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim. Plaintiff responded, asserted Title VI, and moved to proceed to trial.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B)(ii), the court reviewed whether the complaint stated a claim on which relief could be granted. The court also applied the futility standard governing leave to amend under Federal Rule of Civil Procedure 15(a)(2).
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Nameros D. Ford v. Birmingham Crossplex Transit Center

TOPICS

civil rights

pleadings

civil procedure

constitutional law

PRACTICE AREAS

civil rights

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether Plaintiff's complaint stated a plausible constitutional claim based on the alleged denial of window access on Defendant's buses.
2. Whether Plaintiff should be allowed to amend the complaint to assert a Title VI claim.
3. Whether Plaintiff's motion to proceed to trial remained justiciable after dismissal of the action.

HOLDINGS

1. The complaint failed to state a plausible constitutional claim because the statutes cited by Plaintiff did not create a constitutional right to window access.
2. Leave to amend was denied as futile because the proposed Title VI claim did not explain how Defendant's use of screws to close bus windows constituted discrimination based on race, color, or national origin.
3. The motion to proceed to trial was denied as moot because dismissal of the action resolved the matter.

KEY QUOTATIONS

“Neither of these statutes create a constitutional right to window access.”

“Dismissal with prejudice is appropriate when a complaint cannot be more carefully drafted to state a claim.”

“denial of leave to amend is justified by futility when the complaint as amended is still subject to dismissal.”

FACTUAL BACKGROUND

Nameros Ford challenged Birmingham Crossplex Transit Center's use of screws to close windows on its buses and sought to establish a constitutional right to window access. In response to the court's show-cause order, Ford cited 49 U.S.C. § 101 and 34 U.S.C. § 10237, but neither statute supplied the asserted constitutional right. Ford also referenced Title VI without explaining how the window policy constituted race-based discrimination.

PROCEDURAL HISTORY

Plaintiff filed a pro se civil-rights complaint concerning the use of screws to close windows on Defendant's buses. After ordering Plaintiff to clarify the constitutional basis for his claim, the court concluded that his cited statutes did not create a constitutional right to window access. The court dismissed the action with prejudice, construed Plaintiff's Title VI reference as a motion to amend and denied amendment as futile, and denied the motion to proceed to trial as moot.

DISPOSITION

dismissed

CASES CITED

- Ounjian v. Globoforce, Inc., 89 F.4th 852, 862 (11th Cir. 2023)
- Hall v. United Ins. Co. of Am., 367 F.3d 1255, 1262–63 (11th Cir. 2004)
- Alexander v. Sandoval, 532 U.S. 275, 278 (2001)

OPINION

Ford

PER CURIAM.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

NAMEROS D. FORD, }

} Plaintiff, } } v. } Case No. 2:26-cv-213-ACA }

BIRMINGHAM CROSSPLEX }

TRANSIT CENTER, }

} Defendant. }

MEMORANDUM OPINION

The court ordered pro se Plaintiff Namer Ford to show cause why the court should not dismiss his civil rights complaint against Defendant Birmingham Crossplex Transit Center (“BCTC”) under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted. (Doc. 7; see doc. 1). In the order, the court implored Mr. Ford to clarify what constitutional guarantee would require BCTC to ensure window access on its buses. (Doc. 7 at 2–3). In response, Mr. Ford cites the purpose statement of the Department of Transportation, 49 U.S.C. § 101, and an administrative provisions section of Title 34 regarding crime control and law enforcement, 34 U.S.C. § 10237. Neither of these statutes create a constitutional right to window access. Accordingly, Mr. Ford has failed to state a constitutional claim that is plausible on its face. Dismissal with prejudice is appropriate when a complaint cannot be more carefully drafted to state a claim. *Ounjian v. Globoforce, Inc.*, 89 F.4th 852, 862 (11th Cir. 2023). Accordingly, the court WILL DISMISS this action WITH PREJUDICE. Mr. Ford also cites Title VI of the Civil Rights Act of 1964. (Doc. 9 at 2). Mr. Ford does assert a Title VI claim in his complaint (doc. 1), so the court construes the response as a motion to amend. Courts should allow leave to amend freely “when justice so requires.” Fed. R. Civ. P. 15(a)(2). But a court may deny leave to amend when amendment would be futile. *Hall v. United Ins. Co. of Am.*, 367 F.3d 1255, 1262–63 (11th Cir. 2004). “[D]enial of leave to amend is justified by futility when the complaint as amended is still subject to dismissal.” *Id.* at 1263 (quotation marks omitted). Title VI prohibits organizations

receiving federal funds from discriminating based on race, color, or national origin. *Alexander v. Sandoval*, 532 U.S. 275, 278

(2001). Mr. Ford does not explain how BCTC's use of screws to close windows on its buses could be race-based discrimination. So Mr. Ford's amendment still fails to state a claim. Thus, the court WILL DENY the motion to amend. Finally, Mr. Ford moves to proceed to trial. (Doc. 10). Because the court's dismissal of Mr. Ford's complaint resolves this issue, the court WILL DENY it as MOOT. To conclude, the court WILL DENY the motion to amend as futile and WILL DISMISS this action WITH PREJUDICE. The court WILL DENY Mr. Ford's motion to proceed to trial as MOOT. (Doc. 10). The court will enter a separate final order consistent with this opinion. DONE and ORDERED this March 16, 2026.

ANNEMARIE CARNEY AXON

UNITED STATES DISTRICT JUDGE