

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Mahmoud Elmilligy v. Ericsson Inc.

Elmilligy · No. Civil Action No. 25-13492 (SDW) (CF) · Decided March 6, 2026

SUMMARY

The United States District Court for the District of New Jersey denied Mahmoud Elmilligy’s application to proceed in forma pauperis and sua sponte dismissed his complaint against Ericsson Inc. without prejudice. The court found that the complaint failed to state plausible claims and that the FMLA and defamation claims appeared time-barred, while allowing 30 days to file an amended complaint.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Susan D. Wigenton
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	March 6, 2026
DOCKET	Civil Action No. 25-13492 (SDW) (CF)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The pro se plaintiff filed an employment-related complaint and an application to proceed in forma pauperis. The district court sua sponte screened the complaint under 28 U.S.C. § 1915(e)(2)(B) and Federal Rule of Civil Procedure 8(a), denied the in forma pauperis application, and dismissed the complaint without prejudice.
STANDARD OF REVIEW	Sua sponte screening under 28 U.S.C. § 1915(e)(2)(B) and review for compliance with Federal Rule of Civil Procedure 8(a); the complaint had to state a plausible claim for relief and provide fair notice of the claims and their grounds.
PRECEDENTIAL VALUE	Unpublished, not for publication
PARTIES	Mahmoud Elmilligy v. Ericsson Inc.

TOPICS

- civil procedure
- pleadings
- motions to dismiss
- family and medical leave act
- employment law

PRACTICE AREAS

civil procedure

employment law

employment discrimination

family and medical leave act

remedies

QUESTIONS PRESENTED

1. Whether plaintiff's in forma pauperis application adequately demonstrated an inability to pay filing fees.
2. Whether the complaint stated plausible claims for relief and complied with Federal Rule of Civil Procedure 8(a).
3. Whether plaintiff's FMLA claims were barred by the applicable statute of limitations.
4. Whether plaintiff's defamation claim was barred by New Jersey's one-year statute of limitations.

HOLDINGS

1. An applicant seeking in forma pauperis status must provide sufficiently particular and definite facts concerning poverty; the application here was inadequate because it contained little to no meaningful information about plaintiff's financial affairs.
2. A complaint that merely lists causes of action without alleging the grounds supporting each claim fails to satisfy Rule 8(a) and does not state plausible claims for relief.
3. The FMLA claims were time-barred because plaintiff filed suit more than two years after his alleged March 2023 termination.
4. The defamation claim was time-barred under New Jersey's one-year statute of limitations for libel and slander.

KEY QUOTATIONS

"The complaint must apprise the defendant with "fair notice of what the claim is and the grounds upon which it rests," containing "more than labels and conclusions.""

"Plaintiff's Complaint solely lists the causes of action—it is devoid of the grounds upon which each claim is based on."

FACTUAL BACKGROUND

Plaintiff alleged that Ericsson, his former employer, abruptly terminated him without explanation in March 2023 after he returned from leave taken under the Family and Medical Leave Act in 2022. He asserted claims for FMLA violations, wrongful termination, defamation and fraudulent reporting to a state agency, breach of contract and denial of severance, retaliation, and emotional distress and medical harm. His in forma pauperis application repeatedly listed zero or little information about his financial affairs.

PROCEDURAL HISTORY

Plaintiff filed the action on July 18, 2025, asserting claims arising from his termination by his former employer. He submitted multiple nonconforming in forma pauperis applications, and the court considered only the application filed on the proper form. After screening, the court found that the application inadequately disclosed plaintiff's financial circumstances and that the complaint merely listed causes of action without factual grounds;

it also concluded that the FMLA and defamation claims appeared time-barred. The court dismissed without prejudice and allowed thirty days to file an amended complaint.

DISPOSITION

dismissed

CASES CITED

- Gross v. Cormack, No. 13-4152, 2013 WL 5435463, at *2 (D.N.J. Sept. 27, 2013)
- Simon v. Mercer County Community College, No. 10-5505, 2011 WL 551196, at *1 (D.N.J. Feb. 9, 2011)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)
- Haines v. Kerner, 404 U.S. 519, 520-21 (1972)
- Yoder v. Wells Fargo Bank, 566 F. App'x 138, 141 (3d Cir. 2014)
- Walker v. Schult, 717 F.3d 119, 124 (2d Cir. 2013)
- Ceus v. New Jersey Lawyers Service, LLC, No. 19-17073, 2022 WL 1192803, at *3 (D.N.J. Apr. 21, 2022)
- Rhoads v. City of Atlantic City, No. 25-4477, 2025 WL 2671461, at *4 (D.N.J. Sept. 17, 2025)

OPINION

ELMILLIGY

PER CURIAM.

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW JERSEY

MAHMOUD ELMILLIGY,

Civil Action No. 25-13492 (SDW) (CF) Plaintiff,

WHEREAS OPINION & ORDER

v. ERICSSON INC., March 6, 2026 Defendant. WIGENTON, District Judge. THIS MATTER having come before this Court upon having come before this Court upon Plaintiff Mahmoud Elmilligy's ("Plaintiff") filing of a Complaint (D.E. 1 ("Compl.)) and an application to proceed in forma pauperis, (D.E. 14 ("IFP application")),¹ and this Court having sua sponte reviewed the Complaint for sufficiency pursuant to 28 U.S.C. § 1915(e)(2)(B) and Federal Rule of Civil Procedure ("Rule") 8(a); and WHEREAS a district court may allow a plaintiff to commence a civil action without paying the filing fee—that is, in forma pauperis—so long as the plaintiff submits an affidavit demonstrating he is "unable to pay such fees," but must dismiss a case that is frivolous, "fails to state a claim upon which relief may be granted," or "seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. §§ 1915(a)(1), (e)(2)(B); and 1 Plaintiff filed a series of non-conforming IFP applications. (D.E. 1-4, 7.) Consistent with this Court's July 29, 2025 text order, (D.E. 4), this Court will only consider the IFP application filed on the proper

form. WHEREAS although this Court is sympathetic to Plaintiff's statement that he has been the subject of fraud, that is not reason enough to explain why Plaintiff's application contains little to no information concerning the state of his financial affairs—repeatedly listing \$0 as a response throughout. See *Gross v. Cormack*, No. 13-4152, 2013 WL 5435463, at *2 (D.N.J. Sept. 27, 2013) (stating that when making an IFP application, “a plaintiff must state the facts concerning his or her poverty with some degree of particularity, definiteness or certainty” (quoting *Simon v. Mercer Cnty. Cmty. Coll.*, No. 10-5505, 2011 WL 551196, at *1 (D.N.J. Feb. 9, 2011))); and WHEREAS pursuant to Federal Rule of Civil Procedure 8(a) (“Rule 8”), “[a] pleading that states a claim for relief must contain: (1) a short and plain statement of the grounds for the court’s jurisdiction . . . ; (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought.” The complaint must apprise the defendant with “fair notice of what the claim is and the grounds upon which it rests,” containing “more than labels and conclusions.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). WHEREAS pro se complaints, although “[held] to less stringent standards than formal pleadings drafted by lawyers,” *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972), must still “state a plausible claim for relief,” *Yoder v. Wells Fargo Bank*, 566 F. App’x 138, 141 (3d Cir. 2014) (quoting *Walker v. Schult*, 717 F.3d 119, 124 (2d Cir. 2013)); and WHEREAS Plaintiff brings the instant action against Defendant Ericsson, Inc. (“Defendant” or “Ericsson”), his former employer. (Compl. at 1.) Plaintiff claims he was “abruptly terminated without explanation” sometime in March 2023 after returning to work following his leave pursuant to the Family and Medical Leave Act (“FMLA”) in 2022. (Compl. at 2.) He asserts the following causes of action: violation of the FMLA 29 U.S.C. § 2601 et seq. (Count I), wrongful termination (Count II), defamation and fraudulent reporting to state agency (Count III), breach of contract and severance denial (Count IV), retaliation (Count V), and emotional distress and medical harm (Count VI)); and WHEREAS upon review, Plaintiff’s Complaint fails to state plausible claims upon which relief can be granted. Plaintiff’s Complaint solely lists the causes of action—it is devoid of the grounds upon which each claim is based on. Further, the statute of limitations for the claims brought under the FMLA has elapsed, given that Plaintiff was dismissed in March 2023 and Plaintiff initiated this lawsuit on July 18, 2025. See *Ceus v. New Jersey Lawyers Serv., LLC*, No. 19-17073, 2022 WL 1192803, at *3 (D.N.J. Apr. 21, 2022) (“[T]he statute of limitations for an FMLA claim is two years.” (citing 29 U.S.C. § 2617(c)(1))). The same is true of Plaintiff’s defamation claim. See N.J. Stat. Ann. § 2A:14-3 (“Every action at law for libel or slander shall be commenced within 1 year next after the publication of the alleged libel or slander.”); see also *Rhoads v. City of Atlantic City*, No. 25-4477, 2025 WL 2671461, at *4 (D.N.J. Sept. 17, 2025) (dismissing a defamation claim as time-barred); therefore IT IS, on this 6th day of March 2026, ORDERED that Plaintiff’s application to proceed in forma pauperis is DENIED; and it is further ORDERED that Plaintiff’s Complaint is sua sponte DISMISSED WITHOUT PREJUDICE. Plaintiff shall have thirty (30) days to file an Amended

Complaint. SO ORDERED. ____/s/ Susan D. Wigenton____ SUSAN D. WIGENTON, U.S.D.J.
Orig: Clerk cc: Parties Cari Fais, U.S.M.J.

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