

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Mahmoud Elmilligy v. Alex Vargas

Civil Action No. 25-13601 (SDW) (SDA) (D.N.J. Mar. 6, 2026) · No. 25-13601 (SDW) (SDA) · 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 because it provided insufficient information about his financial circumstances. The court also sua sponte dismissed his complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B) and Federal Rule of Civil Procedure 8(a), finding that the conclusory allegations concerning alleged First and Fourteenth Amendment violations did not provide fair notice of the claims. Plaintiff was granted thirty 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	25-13601 (SDW) (SDA)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a civil-rights complaint and an application to proceed in forma pauperis. The district court sua sponte reviewed 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 with leave to amend.
STANDARD OF REVIEW	Sua sponte screening under 28 U.S.C. § 1915(e)(2)(B) and review of pleading sufficiency under Federal Rule of Civil Procedure 8(a), including whether the complaint states a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished and nonprecedential
PARTIES	Mahmoud Elmilligy v. Alex Vargas

TOPICS

- pleadings
- motions to dismiss
- section 1983
- civil procedure
- first amendment

PRACTICE AREAS

civil procedure

civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated financial inability to pay the filing fee sufficiently to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1).
2. Whether the complaint satisfied Federal Rule of Civil Procedure 8(a) by providing a short and plain statement of the claims and grounds for relief.
3. Whether the complaint should be dismissed without prejudice under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim.

HOLDINGS

1. Plaintiff was not entitled to proceed in forma pauperis because his application contained little to no information concerning his financial affairs and repeatedly listed zero as an answer.
2. The complaint did not satisfy Rule 8(a) because its bare and conclusory allegations failed to provide fair notice of the claims or the grounds on which they rested.
3. The complaint was dismissed without prejudice for failure to state a claim upon which relief may be granted.

KEY QUOTATIONS

“A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.”

FACTUAL BACKGROUND

Plaintiff alleged that his First and Fourteenth Amendment rights and other protections under 42 U.S.C. § 1983 were violated by Alex Vargas, a New Jersey Department of Child Protection and Permanency investigator, during a 2023 investigation and subsequent events. Plaintiff filed a two-page complaint containing bare and conclusory allegations. His in forma pauperis application repeatedly listed zero or provided little information about his financial affairs.

PROCEDURAL HISTORY

Plaintiff submitted several nonconforming in forma pauperis applications, but the court considered only the application filed January 28, 2026. After reviewing the application and the two-page complaint, the court found the financial disclosures insufficient and the complaint conclusory and inadequate to provide fair notice of the claims. The court denied in forma pauperis status, dismissed the complaint 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)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)

OPINION

NOT FOR PUBLICATION UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY MAHMOUD ELMILLIGY, Civil Action No. 25-13601 (SDW) (SDA) Plaintiff, WHEREAS OPINION & ORDER v. ALEX VARGAS, 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. 19 ("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 nonconforming IFP applications.

(D.E. 6, 10, 13.) This Court declines to consider those applications and will only rule on Plaintiff's January 28, 2026 IFP application. 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)). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); and WHEREAS Plaintiff's two-page Complaint contains bare and conclusory allegations.

In one sentence, Plaintiff asserts his First and Fourteenth Amendment rights, in addition to other protections under 42 U.S.C. § 1983, were violated by Defendant Alex Vargas, a New Jersey Department of Child Protection and Permanency investigator, during the course of an investigation that took place in 2023 and events that followed thereafter. This is insufficient to put Defendant on notice of what the claims are and the grounds upon which they rest, as required by Rule 8.

See Twombly, 550 U.S. at 555; 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 Stacey D. Adams, U.S.M.J.