

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN

Johnny Lee Richmond v. City of Milwaukee, Milwaukee County,
State of Wisconsin, United States of America, U.S. District Court for
Eastern District of Wisconsin, and John and/or Jane Doe Officials

Richmond v. City of Milwaukee · No. 25-CV-1780-JPS · Decided December 30, 2025

SUMMARY

The U.S. District Court for the Eastern District of Wisconsin overruled Johnny Lee Richmond’s objections to a magistrate judge’s report and recommendation, adopted the recommendation, and dismissed the action with prejudice. The court found the pro se complaint nearly incomprehensible, lacking specific factual allegations and an identifiable federal cause of action, and noted that several defendants were immune from suit. The court also imposed a five-year filing bar covering most papers filed by Richmond in the district, subject to stated exceptions.

CASE DETAILS

COURT	U.S. District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	J.P. Stadtmueller
JURISDICTION	U.S. District Court for the Eastern District of Wisconsin
DECIDED	December 30, 2025
DOCKET	25-CV-1780-JPS
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation after the pro se plaintiff objected to the recommended dismissal of his in forma pauperis complaint.
STANDARD OF REVIEW	De novo review of those portions of the magistrate judge's report and recommendation to which objection was made under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b)(3).
PRECEDENTIAL VALUE	Unknown

TOPICS

- pleadings
- civil procedure
- section 1983
- sanctions

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge properly recommended dismissal of the pro se complaint after screening under 28 U.S.C. § 1915(e)(2).
2. Whether the complaint stated a comprehensible claim providing defendants fair notice and establishing federal-question or diversity jurisdiction.
3. Whether dismissal with prejudice and without leave to amend was appropriate because amendment would be futile.
4. Whether Richmond's litigation history warranted a five-year filing bar in the Eastern District of Wisconsin.

HOLDINGS

1. The district court must review de novo the portions of a magistrate judge's report and recommendation to which a party objects and may accept, reject, or modify the recommendation.
2. A court must dismiss an action proceeding in forma pauperis if the action is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant.
3. A complaint must provide fair notice of the claim and its grounds and must allege facts supporting a cognizable federal claim or another basis for federal jurisdiction; conclusory references to legal doctrines and constitutional provisions are insufficient.
4. Dismissal with prejudice and without leave to amend was warranted because amendment would be futile.
5. A five-year bar prohibiting Richmond from filing papers in the Eastern District of Wisconsin was warranted based on his extensive ten-year history of frivolous and baseless litigation, subject to stated exceptions for appeals, exigent circumstances, criminal cases in which he is a defendant, and habeas corpus applications.

KEY QUOTATIONS

“When a pro se litigant seeks to proceed without prepayment of the filing fee, the Court must screen the litigant’s complaint prior to service on defendants.” (at 4)

“Plaintiff’s complaint is a collection of vague legal theories, and Plaintiff makes no concrete factual allegations to put any Defendant on notice of how it is accused of violating his rights.” (at 6)

“Plaintiff will be barred from filing any paper in any case in this District for a period of five (5) years from the date of this Order.” (at 6-7)

FACTUAL BACKGROUND

Richmond alleged that the defendants subjected him to improper taxes, tariffs, liens, and fees characterized as state and federal slave taxes, and that they misrepresented legal instruments and procedures. His complaint

consisted primarily of vague legal theories and did not connect the cited constitutional provisions, RICO, False Claims Act, or antitrust theories to concrete factual allegations or a particular federal cause of action. The district court also relied on Richmond's extensive history of frivolous or meritless litigation in the district.

PROCEDURAL HISTORY

Plaintiff filed a pro se complaint and moved to proceed in forma pauperis. Magistrate Judge William E. Duffin granted in forma pauperis status, screened the complaint, and recommended dismissal with prejudice and without leave to amend because the complaint was nearly incomprehensible, failed to provide defendants fair notice, failed to allege facts supporting a federal claim, and named immune defendants. The district court conducted de novo review of the portions to which plaintiff objected, overruled the objections, adopted the recommendation, dismissed the action with prejudice, and imposed a five-year filing bar.

DISPOSITION

dismissed

CASES CITED

- *Fid. Nat. Title Ins. Co. of N.Y. v. Intercounty Nat. Title Ins. Co.*, 412 F.3d 745, 749 (7th Cir. 2005)
- *Loeffler v. Frank*, 486 U.S. 549, 555 (1988)
- *Denton*, 504 U.S. at 31
- *Neitzke v. Williams*, 490 U.S. 319, 325, 327-28 (1989)
- *Hutchinson ex rel. Baker v. Spink*, 126 F.3d 895, 900 (7th Cir. 1997)
- *Twombly*, 550 U.S. at 555 (2007)
- *Conley v. Gibson*, 355 U.S. 41, 47 (1957)
- *Kubiak v. City of Chicago*, 810 F.3d 476, 480-81 (7th Cir. 2016)
- *Tamayo v. Blagojevich*, 526 F.3d 1074, 1081 (7th Cir. 2008)
- *Kelsay v. Milwaukee Area Tech. Coll.*, 825 F. Supp. 215, 217 (E.D. Wis. 1993)
- *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972)
- *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)
- *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)
- *Holland v. City of Gary*, 503 F. App'x 476, 477 (7th Cir. 2013)
- *Hill v. Lappin*, 630 F.3d 468, 471 (6th Cir. 2010)
- *McLean v. United States*, 566 F.3d 391, 399 (4th Cir. 2009)
- *Gladney v. Pendleton Corr. Facility*, 302 F.3d 773, 774 (7th Cir. 2002)
- *Support Sys. Intern., Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995)
- *Sato v. Plunkett*, 154 F.R.D. 189 (N.D. Ill. 1994)
- *Mucha v. Wisconsin*, No. 12-CV-00202-LA, 2013 WL 1498993, at *1 (E.D. Wis. Apr. 10, 2013)
- *Lammers v. Ellerd*, 202 F.3d 273, 1999 WL 1075323, at *1-2 (7th Cir. Nov. 24, 1999)

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