

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
ILLINOIS, PEORIA DIVISION

Ben Ventura v. Fran Vella-Marrone, et al.

Ventura · No. No. 26-cv-1185 · Decided May 6, 2026

SUMMARY

The United States District Court for the Central District of Illinois denied Ben Ventura’s application to proceed in forma pauperis and dismissed his complaint with prejudice. The court concluded that the complaint failed to state a plausible claim and was malicious because materially identical complaints had been filed in numerous courts.

CASE DETAILS

COURT	United States District Court for the Central District of Illinois, Peoria Division
WRITING FOR THE COURT	Jonathan E. Hawley
JURISDICTION	United States District Court for the Central District of Illinois, Peoria Division
DECIDED	May 6, 2026
DOCKET	No. 26-cv-1185
DISPOSITION	dismissed
PROCEDURAL POSTURE	The pro se plaintiff applied to proceed in forma pauperis and filed a complaint alleging that defendants violated due process and that his compensation demand exceeded the jurisdictional limit. The district court screened the complaint under 28 U.S.C. § 1915(e)(2).
STANDARD OF REVIEW	The court applied the Federal Rule of Civil Procedure 12(b)(6) standard in screening the complaint under 28 U.S.C. § 1915(e)(2)(B) (ii), accepting well-pleaded factual allegations as true and assessing whether the complaint stated a plausible claim for relief.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown and the opinion is not reported.
PARTIES	Ben Ventura v. Fran Vella-Marrone, et al.

TOPICS

motions to dismiss

pleadings

civil procedure

PRACTICE AREAS

Civil procedure

Civil rights

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim for relief under the screening standard applicable to an in forma pauperis action.
2. Whether the action was malicious within the meaning of 28 U.S.C. § 1915(e)(2)(B)(i) because materially identical, baseless complaints were filed in numerous courts.
3. Whether the plaintiff's application to proceed in forma pauperis should be granted.

HOLDINGS

1. The complaint failed to state a claim because its conclusory allegations provided no factual details about the parties, their actions, the basis for filing in the district court, or other context necessary to make a plausible claim for relief.
2. The action was malicious because the plaintiff filed materially identical complaints containing baseless and meager allegations in more than 32 courts, demonstrating an intent to harass the defendants, the courts, or both.
3. The application to proceed in forma pauperis was denied because the application, submitted under penalty of perjury, was wholly lacking in detail and the court would not permit the plaintiff to pursue the malicious action.

KEY QUOTATIONS

“A “*complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’*””

“*Certainly, where a plaintiff files the same complaint with the same, baseless, meager allegations—completely devoid of context or supporting facts—in over 32 courts, that plaintiff intends to harass either the defendant, the court, or both.*”

FACTUAL BACKGROUND

The complaint consisted of two conclusory allegations: that defendants Gotlieb and Edwards frequently violated due process with support from Fran Vella-Marrone, and that the compensation demand exceeded the jurisdictional limit. The court noted that materially identical, baseless complaints had been filed in more than 32 courts, and that the plaintiff's mailing address was in North Dakota while the complaint envelope was postmarked in New York.

PROCEDURAL HISTORY

The plaintiff filed a complaint and an application to proceed without prepaying fees or costs. The district court denied the application, dismissed the complaint with prejudice for failure to state a claim and as malicious, directed the clerk to enter judgment, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 324 (1989)
- Luevano v. Wal-Mart Stores, Inc., 722 F.3d 1014, 1022 (7th Cir. 2013)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Coleman v. Labor & Indus. Review Comm’n of Wis., 860 F.3d 461, 468 (7th Cir. 2017)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Swanson v. Citibank, N.A., 614 F.3d 400, 404 (7th Cir. 2010)
- Lindell v. McCallum, 352 F.3d 1107, 1109 (7th Cir. 2003)

OPINION

IN THE UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF ILLINOIS PEORIA DIVISION BEN VENTURA, Plaintiff, v. Case No. 26-cv-1185 FRAN VELLA-MARRONE, et al., Defendant. Order Now before the Court is the pro se Plaintiff, Ben Ventura’s Application to Proceed in the District Court Without Prepaying Fees or Costs. (D. 2).¹ For the reasons set forth below, the Plaintiff’s application to proceed in forma pauperis (IFP) is DENIED, and his Complaint (D.

1) is DISMISSED WITH PREJUDICE. “The federal in forma pauperis statute, [28 U.S.C. § 1915], is designed to ensure that indigent litigants have meaningful access to the federal courts.” Neitzke v. Williams, 490 U.S. 319, 324 (1989). Section 1915(e) directs a court to screen a complaint when filed together with a request to proceed IFP. Luevano v. Wal-Mart Stores, Inc., 722 F.3d 1014, 1022 (7th Cir.

2013). A court shall dismiss a case at any time if: 1) the allegation of poverty is untrue; 2) the action is frivolous or malicious; 3) the action fails to state a claim on which relief may be granted; or 4) the action seeks monetary relief against an immune defendant. 28 U.S.C. § 1915(e)(2).

Here, the Plaintiff’s Complaint alleges, in its entirety: “1. Defendants Gotlieb and Edwards frequently violated due process, With the support from Fran Vella- Marrone, 2. The compensation demand is above the jurisdictional limit.” (D. 1). 1 Citations to the electronic docket are

abbreviated as “D. ____ at ECF p. ____.” Even construing the Plaintiff’s Complaint liberally, the allegations fall woefully short of stating a plausible claim for relief.

See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (providing that a pro se complaint “must be held to less stringent standards than formal pleadings drafted by lawyers[]”). The Federal Rule of Civil Procedure 12(b)(6) standard applies when determining whether a complaint fails to state a claim under Section 1915(e)(2)(B)(ii). *Coleman v. Labor & Indus. Review Comm’n of Wis.*, 860 F.3d 461, 468 (7th Cir.

2017). A “complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A plaintiff “must give enough details about the subject-matter of the case to present a story that holds together.” *Swanson v. Citibank, N.A.*, 614 F.3d 400, 404 (7th Cir.

2010). Here, the Plaintiff does not provide any details about the parties or their actions, the basis for filing in this Court, or any other context to support his conclusory, baseless allegations. Furthermore, materially-identical Complaints have been filed in numerous courts around the country, including in the U.S. District Court for the Eastern District of Arkansas, the U.S. District Court for the Western District of Missouri, the U.S. District Court for the District of New Hampshire, the U.S. District Court for the District of Nebraska, the U.S. District Court for the District of Nevada, this Court, and many other district courts.

The cases were all filed between January and May 2026, thus far at least. The Plaintiff’s mailing address is in North Dakota, but the envelope he mailed his complaint in, here and in the other cases, is postmarked in New York. See (D. 1 at ECF p. 2). An action is “malicious” in the context of Section 1915(e)(2)(B)(i) where it is “intended to harass.” *Lindell v. McCallum*, 352 F.3d 1107, 1109 (7th Cir.

2003). Certainly, where a plaintiff files the same complaint with the same, baseless, meager allegations—completely devoid of context or supporting facts—in over 32 courts, that plaintiff intends to harass either the defendant, the court, or both.

Thus, for the foregoing reasons, the Plaintiff’s Complaint (D. 1) is DISMISSED WITH PREJUDICE for failure to state a claim and as malicious. The Motion to proceed IFP (D. 2) is DENIED. The Application, submitted under penalty of perjury, is wholly lacking in detail.

In any event, the Court will not permit the Plaintiff to pursue this malicious action. The Clerk is directed to enter judgment and close this case. It is so ordered. Entered on May 6, 2026 s/Jonathan E. Hawley U.S. DISTRICT JUDGE

