

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS

Cherrelle Roberts v. Whittier Health Pharmacy, et al.

Roberts · No. Civil Action No. 25-12086-DJC · Decided February 10, 2026

SUMMARY

The United States District Court for the District of Massachusetts granted Cherrelle Roberts leave to proceed in forma pauperis but denied her motions for discovery, search and discovery, and electronic filing without prejudice. The court found that the complaint failed to establish a sufficient factual or jurisdictional basis for relief and allowed Roberts until March 10, 2026, to file an amended complaint curing the deficiencies.

CASE DETAILS

COURT	United States District Court for the District of Massachusetts
WRITING FOR THE COURT	Denise J. Casper
JURISDICTION	United States District Court for the District of Massachusetts
DECIDED	February 10, 2026
DOCKET	Civil Action No. 25-12086-DJC
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff filed a complaint and moved to proceed in forma pauperis, for discovery, for leave to file electronically, and for search and discovery. The district court granted in forma pauperis status, denied the other motions, screened the complaint under 28 U.S.C. § 1915(e), found pleading and jurisdictional deficiencies, and granted leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court may dismiss an in forma pauperis complaint sua sponte if it lacks an arguable basis in law or fact, fails to state a claim, or seeks relief from an immune defendant. The court also independently reviews subject-matter jurisdiction and construes a pro se complaint generously.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Cherrelle Roberts v. Whittier Health Pharmacy, et al.

TOPICS

pleadings

subject matter jurisdiction

motion to amend

discovery dispute

civil procedure

PRACTICE AREAS

civil procedure

federal jurisdiction

pleading

pro se litigation

health law

QUESTIONS PRESENTED

1. Whether Roberts qualified to proceed in forma pauperis.
2. Whether the complaint stated a plausible claim for relief and complied with the Federal Rules of Civil Procedure.
3. Whether the complaint established federal-question subject-matter jurisdiction.
4. Whether diversity jurisdiction existed over Roberts's personal-injury claim.
5. Whether Roberts should be allowed to amend the complaint to cure its pleading deficiencies.
6. Whether the motions for discovery, search and discovery, and leave to file electronically should be granted.

HOLDINGS

1. Roberts was permitted to proceed in forma pauperis because the court determined that she lacked income or assets to pay the filing fee.
2. The complaint was subject to dismissal under 28 U.S.C. § 1915(e) because it lacked a sufficient factual basis, failed to state a plausible claim for relief, and did not identify the legal basis for the asserted claims.
3. The complaint did not establish federal-question subject-matter jurisdiction.
4. The court lacked diversity jurisdiction because the parties were located in Massachusetts and the amount in controversy did not exceed \$75,000.
5. Roberts was allowed to file an amended complaint by March 10, 2026, to cure the pleading and jurisdictional deficiencies.
6. The court would not consider Roberts's state-law claims because it lacked an independent basis for subject-matter jurisdiction.

KEY QUOTATIONS

“The complaint does not allege a sufficient factual basis to state a plausible claim for relief and fails to identify the legal basis, statutory, constitutional or common law, for her claims”

“Roberts should set forth facts as to who did what to whom, when, where, and why.”

FACTUAL BACKGROUND

Roberts, a Massachusetts resident proceeding pro se, alleged that a psychiatric nurse practitioner and a pharmacy associated with Whittier Street Health Center partially dispensed or refused to increase or correct medication,

refused appointments, and sent medication to different pharmacies. She characterized the allegations as involving personal injury and civil rights, but did not provide a sufficient factual or legal basis for those claims or establish federal-question jurisdiction. The court also determined that the allegations did not support diversity jurisdiction because the parties were located in Massachusetts and the amount in controversy did not exceed \$75,000.

PROCEDURAL HISTORY

Roberts initiated the action by filing a pro se complaint alleging medication-related conduct by a psychiatric nurse practitioner and a pharmacy. Because she sought to proceed without prepaying fees, the court screened the complaint before issuance of summonses. The court concluded that the complaint did not state a plausible claim, identify a legal basis for relief, or establish federal-question or diversity jurisdiction, but allowed Roberts until March 10, 2026, to file an amended complaint.

DISPOSITION

other

CASES CITED

- McCulloch v. Velez, 364 F.3d 1, 5 (1st Cir. 2004)
- Calderon–Serra v. Wilmington Trust Co., 715 F.3d 14, 17 (1st Cir. 2013)
- Murphy v. United States, 45 F.3d 520, 522 (1st Cir. 1995)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Rodi v. New Eng. Sch. of Law, 389 F.3d 5, 13 (1st Cir. 2004)
- Rodríguez v. Doral Mortg. Corp., 57 F.3d 1168, 1177 (1st Cir. 1995)
- Brait Builders Corp. v. Massachusetts, Div. of Capital Asset Mgmt., 644 F.3d 5, 9 (1st Cir. 2011)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS
_____) CHERRELLE ROBERTS,)) Plaintiff,)) v.
) Civil Action No. 25-12086-DJC) WHITTIER HEALTH PHARMACY, et al.,)) Defendants.)
_____) MEMORANDUM AND ORDER CASPER,
C.J. February 10, 2026 For the reasons stated below, the Court allows plaintiff’s motion for leave to proceed in forma pauperis, D. 2, denies the motion for discovery, D. 6, denies the motion for leave to file electronically without prejudice, D. 7, and denies the motion for search and discovery, D. 9.

If plaintiff wishes to proceed with this action, the Court allows her until March 10, 2026 to file an amended complaint. I. Background Cherrelle Roberts (“Roberts”) initiated this action by filing a pro se complaint. D. 1. With the complaint, Roberts filed an application to proceed in district court

without prepaying fees or costs (also referred to as a motion for leave to proceed in forma pauperis).

D. 2. The complaint concerns alleged events that occurred while Roberts was a customer and patient at the Whittier Street Health Center (“Whittier Street”) in Boston, Massachusetts. Roberts identifies herself as a resident of Massachusetts, D. 1 at ¶ I(A).

The complaint identifies the two defendants as a psychiatric nurse practitioner and the pharmacy at Whittier Street. Id. at case caption; ¶ I(B). Roberts has indicated that “federal question” is the basis of jurisdiction for this action. Id. at ¶ II.

In identifying the basis for federal question jurisdiction, Roberts states: “Clerks refused assistance – [Defendant] Stephanie [Jackson] gave partial medication, refused increase dispense medication (anxiety) pharmacy refused to correct dosage trazodon.” Id. at ¶ II(A).

In support of her claims, she further asserts that “[Defendant] Stephanie [Jackson] refused [to] dispense meds on one date[,] refused appointments[,] sent medication to different pharmacies (sic) while verbally saying they were downstairs at Whittier [Pharmacy].” Id. at ¶ III. She makes reference to “personal injury [and] civil rights” in this “Statement of Claim” section which the Court takes to be her assertion of her claims.

Id. Attached to the complaint are copies of a chain of text communications with [Defendant] [Stephanie] Jackson. D. 1-3. Roberts filed two motions “requesting search and discovery.” D. 6, 9. In these motions, Roberts identifies other cases that she has filed in the District of Massachusetts. Id. Among other things, she states that “document(s) submitted at court house were not entered as evidence in cases,” D. 6 at 1, and that “a defendant [identified as Posua Nelson] was omitted in actual records presented [in a case before another judicial officer].” D. 9 at 1.

II. In Forma Pauperis Upon review of Robert’s request for leave to proceed in forma pauperis, D. 2, the Court concludes that she is without income or assets to pay the filing fee. The Court, therefore, ALLOWS D. 2 and permits Roberts to proceed in forma pauperis. III. Screening of the Complaint When a plaintiff seeks to file a complaint without prepayment of the filing fee, summonses do not issue until the Court reviews the complaint and determines that it satisfies the substantive requirements of 28 U.S.C. § 1915.

The in forma pauperis statute authorizes federal courts to dismiss a complaint sua sponte if the claims therein lack an arguable basis in law or in fact, fail to state a claim on which relief may be granted, or seek monetary relief against a defendant who is immune from such relief. See 28 U.S.C. § 1915(e)(2). Additionally, the Court “has an obligation to inquire sua sponte into its own subject matter jurisdiction.” *McCulloch v. Velez*, 364 F.3d 1, 5 (1st Cir.

2004). “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3). “[T]he party invoking the jurisdiction of a federal court carries the burden of proving its existence.” *Calderon–Serra v. Wilmington Trust Co.*, 715 F.3d 14, 17 (1st Cir. 2013) (quoting *Murphy v. United States*, 45 F.3d 520, 522 (1st Cir.

1995) (internal quotation marks omitted)). Because Roberts is proceeding pro se, the Court construes her complaint generously. See *Haines v. Kerner*, 404 U.S. 519, 520 (1972); *Rodi v. New Eng. Sch. of Law*, 389 F.3d 5, 13 (1st Cir. 2004). IV. Analysis Roberts’ complaint fails to comply with the basic pleading requirements of the Federal Rules of Civil Procedure and is subject to dismissal pursuant to 28 U.S.C. § 1915(e).

The complaint does not allege a sufficient factual basis to state a plausible claim for relief and fails to identify the legal basis, statutory, constitutional or common law, for her claims and, at present, her allegations are too vague to survive screening under 28 U.S.C. § 1915(e). She also has not identified a basis for federal question jurisdiction, which is the basis for subject matter jurisdiction that Roberts has indicated.

Even assuming that Roberts had identified diversity jurisdiction as the basis for subject matter jurisdiction, the Court also is without diversity jurisdiction to entertain Robert’s personal injury claim because all the parties are located in Massachusetts and the amount in controversy does not exceed \$75,000.¹ This Court will not consider Roberts’ state law claims because it does not otherwise have proper subject matter jurisdiction.

See 28 U.S.C. § 1367(c); *Rodríguez v. Doral Mortg. Corp.*, 57 F.3d 1168, 1177 (1st Cir. 1995). Roberts will be permitted to amend her complaint to conform to the basic pleading requirements of the Federal Rules of Civil Procedure and to cure the pleading deficiencies of the complaint.

V. Plaintiff May File an Amended Complaint For the reasons stated above, the Court concludes that Roberts has failed to state a claim upon which relief may be granted. If she chooses to pursue this action, she must file an amended complaint by March 10, 2026.

The case caption of any amended complaint should clearly name each party she intends to sue. See Fed. R. Civ. P. 10(a). The amended complaint must clearly identify each defendant and each defendant’s alleged misconduct. Roberts should set forth facts as to who did what to whom, when, where, and why.

In the “Statement of Claim” section of any amended complaint, plaintiff should provide “a short and plain statement of the grounds for the court’s jurisdiction... a short and plain statement of the claim showing that the pleader is entitled to relief; and... a demand for the relief sought[.]” Fed. R. Civ. P. 8(a)(1)–(3). Plaintiff should put each claim into a numbered paragraph, and each paragraph should be “limited as far as practicable to a single set of circumstances.” See Fed.

R. Civ. P. 10(b). The filing of an amended complaint completely replaces the original complaint. *Brait Builders Corp. v. Massachusetts, Div. of Capital Asset Mgt.*, 644 F.3d 5, 9 (1st Cir. 2011). If 1 To establish diversity jurisdiction, plaintiff must assert that the parties are citizens of different states, 28 U.S.C. § 1332(a)(1), and that the amount in controversy in this action exceeds \$75,000.

28 U.S.C. § 1332(b). plaintiff fails to file an amended complaint in accordance with the instructions set forth herein, this action will be dismissed. VI. Conclusion For the foregoing reasons, it is hereby ORDERED: 1.

The motion for leave to proceed in forma pauperis, D. 2, is ALLOWED. 2. The motion for discovery, D. 6, and motion for search and discovery, D. 9, are DENIED. For corrections to a particular case docket, Roberts may file a written request for correction in that case. 3.

The motion for leave to file electronically, D. 7, is DENIED WITHOUT PREJUDICE; and 4. If Roberts wishes to pursue this action, she must, by March 10, 2026, file an amended complaint that cures the pleading deficiencies of the original complaint. If she fails to do so by this deadline, the Court will likely dismiss this action. SO ORDERED. /s Denise J. Casper Denise J. Casper Chief United States District Judge