

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

Martino O’Bryant v. Nico Terrace, et al.

O’Bryant · No. 4:26-cv-00077-RHH · Decided May 8, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri granted Martino O’Bryant’s application to proceed without prepaying fees and costs. After initial review under 28 U.S.C. § 1915(e), the court dismissed without prejudice his claims against Nico Terrace and other defendants, finding the allegations frivolous, clearly baseless, and insufficient to state viable claims. The court denied the remaining pending motions as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	May 8, 2026
DOCKET	4:26-cv-00077-RHH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Self-represented plaintiff sought leave to proceed without prepaying fees and costs in a civil-rights action. On initial review under 28 U.S.C. § 1915(e), the district court granted the fee-waiver application but dismissed the claims without prejudice as frivolous and for failure to state viable claims.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e), the court must dismiss an indigent plaintiff’s complaint if it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. A complaint is frivolous when it lacks an arguable basis in law or fact; dismissal on that ground is appropriate for indisputably meritless legal theories or clearly baseless factual allegations.
PRECEDENTIAL VALUE	Unknown

PARTIES

Martino O’Bryant v. Nico Terrace, Carmen Hills Group, Christine Travaglini

TOPICS

section 1983 civil rights landlord tenant motions to dismiss civil procedure

PRACTICE AREAS

civil procedure civil rights housing discrimination landlord-tenant law

QUESTIONS PRESENTED

1. Whether plaintiff should be permitted to proceed without prepaying filing fees and costs.
2. Whether the complaint and supplemental filings were frivolous or failed to state viable claims under 28 U.S.C. § 1915(e).
3. Whether the pending motions should be denied as moot after dismissal of the action.

HOLDINGS

1. The court granted plaintiff’s application to proceed in forma pauperis and waived the filing fee.
2. The complaint and supplemental filings were dismissed without prejudice because the claims lacked an arguable basis in law or fact, relied on clearly baseless factual allegations, and failed to state viable legal claims.
3. The court denied all other pending motions without prejudice as moot.

KEY QUOTATIONS

“Under 28 U.S.C. § 1915(e), a Court must dismiss an indigent plaintiff’s complaint that (1) is frivolous or malicious; (2) fails to state a claim upon which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief.” (at 1)

“His claims rely on factual allegations that are “clearly baseless” under *Denton v. Hernandez*, 504 U.S. 25, 31 (1992).” (at 6)

FACTUAL BACKGROUND

Plaintiff alleged that defendants, his housing providers or related entities, charged unlawful fees, terminated his lease or housing program, and evicted him in September 2024. He further alleged that defendants and other tenants harassed him, used sounds or devices to aggravate his schizophrenia and interfere with medical devices, entered his apartment and car, sabotaged his property, and attempted to provoke him into violence. He asserted housing, disability, sex-discrimination, civil-rights, due-process, and state-law claims and sought \$400 million in damages and declaratory relief.

PROCEDURAL HISTORY

Plaintiff filed a complaint alleging violations of the Fair Housing Act, the Civil Rights Act, due process rights, and state law arising from his tenancy, eviction, and alleged conduct by defendants and other tenants. He filed supplements and attached documents from a related state-court case, and also filed other motions. The district court conducted initial review, granted leave to proceed without prepaying fees and costs, dismissed the complaint without prejudice, and denied the remaining pending motions without prejudice as moot.

DISPOSITION

dismissed

CASES CITED

- *Neitzke v. Williams*, 490 U.S. 319 (1989)
- *Denton v. Hernandez*, 504 U.S. 25 (1992)