

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Patrick L. Mays v. Madison County Catholic Charities Diocese of
Springfield in Illinois, Denise Burton, and Sheryll Kellum

Mays · No. 26-cv-00363-JPG · Decided April 27, 2026

SUMMARY

The United States District Court for the Southern District of Illinois reserved ruling on Patrick L. Mays’s motion to proceed in forma pauperis and dismissed his complaint without prejudice. The court concluded that allegations concerning a disciplinary notice did not state a claim under the cited federal laws or establish federal-question jurisdiction, and that diversity jurisdiction was unavailable because all parties were Illinois citizens and the claimed damages were \$70,000. The court granted Mays until May 27, 2026, to file an amended complaint.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	J. Phil Gilbert
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	April 27, 2026
DOCKET	26-cv-00363-JPG
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff moved for leave to proceed in forma pauperis. The district court reviewed the complaint under 28 U.S.C. § 1915(e)(2) and dismissed it without prejudice for failure to state a claim within the court's subject matter jurisdiction, while reserving ruling on the in forma pauperis motion and granting leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court may deny in forma pauperis status or dismiss an action that is frivolous, malicious, or fails to state a claim. The court applied the plausibility standard for failure to state a claim and examined whether the complaint fell within federal-question or diversity jurisdiction.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Patrick L. Mays v. Madison County Catholic Charities Diocese of Springfield in Illinois, Denise Burton, Sheryll Kellum

TOPICS

subject matter jurisdiction

civil procedure

pleadings

motions to dismiss

PRACTICE AREAS

civil procedure

employment law

federal jurisdiction

QUESTIONS PRESENTED

1. Whether the complaint stated a claim under the Sherman Antitrust Act, the FOIA Improvement Act of 2016, the Economic Espionage Act of 1996, the First Amendment, or a federal employment statute sufficient to invoke federal-question jurisdiction.
2. Whether the complaint established diversity jurisdiction under 28 U.S.C. § 1332(a).
3. Whether the complaint should be dismissed under 28 U.S.C. § 1915(e)(2) while the motion for leave to proceed in forma pauperis remained pending.

HOLDINGS

1. The complaint failed to state a claim under the Sherman Antitrust Act, the FOIA Improvement Act of 2016, the Economic Espionage Act of 1996, the First Amendment, or any federal employment statute, and therefore did not establish federal-question jurisdiction.
2. The complaint did not establish original diversity jurisdiction because all parties were Illinois citizens and Plaintiff sought only \$70,000 in damages.
3. Although Plaintiff was indigent, the court dismissed the complaint without prejudice under 28 U.S.C. § 1915(e)(2) and reserved ruling on the motion for leave to proceed in forma pauperis.

KEY QUOTATIONS

“An action fails to state a claim if it does not plead “enough facts to state a claim to relief that is plausible on its face.””

“Therefore, the Court RESERVES RULING on the Motion for Leave to Proceed in Forma Pauperis (Doc. 5) and DISMISSES the Complaint (Doc. 3) without prejudice.”

FACTUAL BACKGROUND

Plaintiff alleged that on July 26, 2024, Denise Burton provided him with a final disciplinary written notice signed by his direct supervisor, Sheryll Kellum. The notice stated that Plaintiff demonstrated poor job performance and did not meet job expectations. Plaintiff alleged that Burton signed the document at a later date or during a later timeframe, and claimed lost wages and exemplary damages.

PROCEDURAL HISTORY

Mays filed a complaint alleging claims under federal statutes and the First Amendment, as well as Illinois law, and moved to proceed in forma pauperis. The court found that the complaint failed to state a claim under the asserted federal laws or any federal employment statute and that diversity jurisdiction was unavailable because all parties were Illinois citizens and the amount sought was \$70,000. The complaint was dismissed without prejudice, with leave to amend by May 27, 2026.

DISPOSITION

dismissed

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 325 (1989)
- Corgain v. Miller, 708 F.2d 1241, 1247 (7th Cir. 1983)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Lucien v. Roegner, 682 F.2d 625, 626 (7th Cir. 1982)

OPINION

Mays

PER CURIAM.

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF ILLINOIS

PATRICK L. MAYS,

Plaintiff, v.

MADISON COUNTY CATHOLIC CHARITIES Case No. 26-cv-00363-JPG

DIOCESE OF SPRINGFIELD IN ILLINOIS,

DENISE BURTON, and

SHERYLL KELLUM,

Defendants.

MEMORANDUM AND ORDER

This case is before the Court on Plaintiff Patrick Mays's Motion for Leave to Proceed in Forma Pauperis (Doc. 5). A federal court may permit an indigent party to proceed without pre- payment of fees. 28 U.S.C. § 1915(a)(1). Nevertheless, a court can deny a qualified plaintiff leave to file in forma pauperis or can dismiss a case if the action is clearly frivolous or malicious or fails to state a claim. *Id.* § 1915(e)(2)(B)(i) & (ii). The test for determining if an action is frivolous or without merit is whether the plaintiff can make a rational argument on the law or facts in support of the claim. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Corgain v. Miller*, 708 F.2d 1241, 1247 (7th Cir. 1983). An action fails to state a claim if it does not plead "enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). When assessing a motion to proceed in forma pauperis, a district court should inquire into the merits of

the plaintiff's claims, and if the court finds them to be frivolous, it should deny leave to proceed in forma pauperis. *Lucien v. Roegner*, 682 F.2d 625, 626 (7th Cir. 1982). The Court is satisfied from Plaintiff's affidavit that he is indigent. However, it finds that he fails to state a claim within this Court's subject matter jurisdiction. This Court has subject matter jurisdiction over cases that arise under federal law, 28 U.S.C. § 1331, and cases where the parties are completely diverse and where more than \$75,000, exclusive of interests and costs, is in issue, 28 U.S.C. § 1332(a). In the complaint, Plaintiff asserts that his claims arise under four federal laws: (1) the Sherman Antitrust Act; (2) the FOIA Improvement Act of 2016; (3) the Economic Espionage Act of 1996;¹ and (4) the First Amendment. To support his claims, he alleges that, on July 26, 2024, Defendant Denise Burton ("Burton") provided him with a final disciplinary written notice signed by his direct supervisor Defendant Sheryll Kellum ("Kellum"). The final notice explained that he demonstrated poor job performance and does not meet the expectations of the job. He contends that, although the written notice designates Kellum and Burton as the supervisors providing feedback, Burton did not sign the document until a later date and/or timeframe. He states that, because of these actions, he suffered lost wages and is entitled to exemplary damages. These allegations are not sufficient to state a claim under any of the federal laws that Plaintiff has cited. In addition, they fail to state a claim under any federal employment statute. As such, Plaintiff has not stated a claim within the Court's federal question jurisdiction. He also fails to state claim within the Court's original diversity jurisdiction. Although Plaintiff alleges that his claims arise under three Illinois statutes, his complaint establishes that neither complete diversity nor the amount in controversy requirement is met. All parties are citizens of Illinois, and Plaintiff seeks only \$70,000 in damages.

¹ As enacted, the Economic Espionage Act of 1996 was a purely criminal statute. It was amended in 2016 to create a private right of action, but Plaintiff cites to the original version. It imposes a fine of up to \$500,000 and imprisonment of up to 15 years for the misappropriation of trade secrets.

² The Court is satisfied that Plaintiff is indigent, but it finds that he fails to state a claim within its subject matter jurisdiction. Therefore, the Court **RESERVES RULING** on the Motion for Leave to Proceed in Forma Pauperis (Doc. 5) and **DISMISSES** the Complaint (Doc. 3) without prejudice. Plaintiff shall have up to and including May 27, 2026, to file an amended complaint. Failure to file an amended complaint in a timely manner will result in dismissal of this action for lack of subject matter jurisdiction. The Court **DIRECTS** the Clerk of Court to send Plaintiff both a blank employment discrimination complaint and a blank complaint for a civil case along with this order. GAL, loud IT IS SO ORDERED. DATED: April 27, 2026

J. PHIL GILBERT

United States District Judge