

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Anthony Mills v. Arlene Bluth

Mills v. Bluth · No. 26-2109-KHV-ADM · Decided March 4, 2026

SUMMARY

The United States District Court for the District of Kansas dismissed pro se plaintiff Anthony Mills’s complaint against Arlene Bluth under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim. The court held that the complaint lacked sufficient facts to establish jurisdiction or a plausible claim and that allowing amendment would be futile.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Kathryn H. Vratil
JURISDICTION	United States District Court for the District of Kansas
DECIDED	March 4, 2026
DOCKET	26-2109-KHV-ADM
DISPOSITION	dismissed
PROCEDURAL POSTURE	After plaintiff was granted leave to proceed in forma pauperis, the district court screened the complaint under 28 U.S.C. § 1915(e)(2)(B) and sua sponte dismissed it for failure to state a claim.
STANDARD OF REVIEW	Dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii) is governed by the same standard as dismissal under Federal Rule of Civil Procedure 12(b)(6). The court accepts well-pleaded facts as true, views them in the light most favorable to the plaintiff, and construes a pro se pleading liberally, while not assuming the role of the plaintiff's advocate.
PRECEDENTIAL VALUE	unknown
PARTIES	Anthony Mills v. Arlene Bluth

TOPICS

- motions to dismiss
- civil procedure
- due process
- constitutional law

PRACTICE AREAS

- civil procedure
- civil rights
- constitutional law

QUESTIONS PRESENTED

1. Whether the complaint stated a claim upon which relief could be granted under 28 U.S.C. § 1915(e)(2)(B)(ii).
2. Whether the pro se complaint alleged sufficient facts to establish the court's jurisdiction and state a plausible claim for relief.
3. Whether Mills should be granted leave to amend.

HOLDINGS

1. Under 28 U.S.C. § 1915(e)(2)(B)(ii), the court may dismiss an in forma pauperis complaint that fails to state a claim upon which relief may be granted, using the same standard applicable to a Rule 12(b)(6) motion.
2. The complaint failed to allege sufficient facts to establish the court's jurisdiction or to state a plausible claim for relief.
3. Leave to amend was not warranted because it would be futile where the court could not construe the complaint as stating a claim upon which relief could be granted.

KEY QUOTATIONS

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

“Because Mills is proceeding pro se, the Court construes his pleadings liberally and holds them “to a less stringent standard than those drafted by attorneys.””

“In the end, the Court cannot construe Mills’s complaint in any manner that states a claim upon which relief may be granted, and granting Mills leave to amend would be futile.”

FACTUAL BACKGROUND

Mills's complaint was approximately three sentences long and sought \$1 million in damages from Bluth. It alleged only that Bluth had conspired with unidentified individuals to deprive Mills of due-process rights and had failed to dismiss case number 100269/2023, allegedly causing unreasonable costs. The complaint did not identify Bluth, the individuals involved, or when or where the alleged conspiracy occurred.

PROCEDURAL HISTORY

Mills filed a pro se complaint seeking \$1 million in damages on February 23, 2026. Magistrate Judge Angel D. Mitchell granted Mills's motion to proceed in forma pauperis on March 4, 2026. The district court then screened the complaint and dismissed it without granting leave to amend, finding that it failed to establish jurisdiction or state a plausible claim and that amendment would be futile.

DISPOSITION

dismissed

CASES CITED

- *Buchheit v. Green*, 705 F.3d 1157, 1161 (10th Cir. 2013)
- *Kay v. Bemis*, 500 F.3d 1214, 1217 (10th Cir. 2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)
- *Curley v. Perry*, 246 F.3d 1278, 1281 (10th Cir. 2001)
- *Mayfield v. Bethards*, 826 F.3d 1252, 1255 (10th Cir. 2016)
- *Johnson v. Johnson*, 466 F.3d 1213, 1214 (10th Cir. 2006)
- *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991)
- *Mireles v. Waco*, 502 U.S. 9, 11–12 (1991)

OPINION

Mills

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

ANTHONY MILLS,

Plaintiff, CIVIL ACTION v. No. 26-2109-KHV-ADM

ARLENE BLUTH,

Defendant.

MEMORANDUM AND ORDER

Pro se plaintiff Anthony Mills brings suit against Arlene Bluth, seeking \$1 million in damages. Complaint (Doc. #1) On March 4, 2026, Magistrate Judge Angel D. Mitchell granted plaintiff's motion to proceed in forma pauperis ("IFP"). As discussed in further detail below, the Court dismisses plaintiff's complaint for failure to state a claim upon which relief may be granted. When a plaintiff proceeds IFP, the Court may screen the complaint under 28 U.S.C. § 1915(e)(2)(B). The Court may dismiss the complaint if it determines that the action "(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2)(B). The purpose of Section 1915(e)(2) is to "discourage the filing of, and waste of judicial and private resources upon, baseless lawsuits that paying litigants generally do not initiate." *Buchheit v. Green*, 705 F.3d 1157, 1161 (10th Cir. 2012). Dismissal under Section 1915(e)(2)(B)(ii) is governed by the same standard that applies to motions to dismiss pursuant to Rule 12(b)(6), Fed. R. Civ. P. *Kay v. Bemis*, 500 F.3d 1214, 1217 (10th Cir. 2007). To withstand dismissal, "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 Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.*

Dismissal of a pro se plaintiff's complaint for failure to state a claim is "proper only where it is obvious that the plaintiff cannot prevail on the facts . . . alleged and it would be futile to give [plaintiff] an opportunity to amend." *Curley v. Perry*, 246 F.3d 1278, 1281 (10th Cir. 2001). The Court must "accept the facts alleged in the complaint as true and view them in the light most favorable to the plaintiff." *Mayfield v. Bethards*, 826 F.3d 1252, 1255 (10th Cir. 2016). Because Mills is proceeding pro se, the Court construes his pleadings liberally and holds them "to a less stringent standard than those drafted by attorneys." *Johnson v. Johnson*, 466 F.3d 1213, 1214 (10th Cir. 2006). In doing so, however, the Court does not "assume the role of advocate for the pro se litigant." *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). Plaintiff still bears "the burden of alleging sufficient facts on which a recognized legal claim could be based." *Id.* Mills's complaint is barely three sentences long and contains insufficient facts to establish this Court's jurisdiction or to assert a plausible claim. The complaint does not explain who Bluth is, and the only facts alleged against Bluth are that she "conspired with individuals in depriving due process rights" and "failed to dismiss 100269/2023, causing unreasonable cost to the parties." (ECF 1, at 1.) It does not state any other information about the referenced "individuals," or when or where the conspiracy allegedly occurred. In addition, if Bluth is a judge, she likely is entitled to judicial immunity. See *Mireles v. Waco*, 502 U.S. 9, 11–12 (1991). In the end, the Court cannot construe Mills's complaint in any manner that states a claim upon which relief may be granted, and granting Mills leave to amend would be futile. For these reasons, the Court dismisses plaintiff's complaint. IT IS THEREFORE ORDERED that under 28 U.S.C. § 1915(e)(2)(B)(ii), plaintiff's complaint (Doc. #1) filed February 23, 2026 is DISMISSED for failure to state a claim on which relief can be granted. IT IS SO ORDERED. Dated this 4th day of March, 2026 at Kansas City, Kansas. s/

Kathryn H. Vratil

KATHRYN H. VRATIL

United States District Judge