UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

BOBBY LEE DICKERSON, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:21-cv-03103-SLD-TSH
	)	
GOOGLE, INC. et al,	)	
	)	
Defendants.	)	

MERIT REVIEW ORDER

Pro se Plaintiff Bobby Lee Dickerson, Jr. brings suit against various Defendants, including Google, Inc., Facebook, Inc., Android, Inc., YouTube, and all state and federal judges, alleging that Defendants would not give his Gmail account back and interfered with his networks. *See* Compl. 2–8, ECF No. 1.[1] The matter comes before the Court for merit review under 28 U.S.C. § 1915(e)(2) and on Plaintiff's motions to request counsel, ECF No. 6, and for leave to proceed in forma pauperis ("IFP"), ECF No. 10.

BACKGROUND

Plaintiff alleges that on April 23, 2021, Defendants, in partnership, deprived him of his rights under color of law "by not trying to give [him] [his] old account back and that is bobbyleedickersonjr@gmail.com." Compl. 7. He alleges Defendants violated his rights under the Fourteenth Amendment of the United States Constitution "by not letting [him] get back [his] first account" and that "[c]learly this is d[i]scrimination, because [he is] a black man." *Id.* He further alleges that Defendants use illegal wiretaps and interferences to cause his networks to crash. *Id.* His complaint also references his First Amendment rights, fundamental unfairness,

[1] The Court uses the CM/ECF-generated page numbers because the complaint's internal pagination is not consistent.

invasion of privacy, prosecutorial misconduct, judicial misconduct, fraud, and much more. *Id.* at 7–8. He seeks "monetary relief of $100,000,000,000 USD [t]ax free" and asks that Defendants be "publicly censured." *Id.* at 10.

DISCUSSION

I. IFP Motion

Plaintiff moves to proceed IFP pursuant to 28 U.S.C. § 1915(a)(1). He submitted an affidavit signed under penalty of perjury which demonstrates that he is unable to pay the costs of the proceeding. IFP Mot. 1–5. He represents that he has no income other than food stamps. *Id.* at 5. (The Court reads Plaintiff's indication that he spends $250.00 monthly on food with food stamps, *id.* at 4, to mean that he receives $250.00 of food stamps monthly.). He states that he has "[M]eridian [H]ealth," *id.* at 5, which the Court takes to mean that he receives Medicaid, *see Medicaid Plan*, meridian, https://www.ilmeridian.com/members/medicaid.html (last visited Nov. 22, 2021). And further, he states that he lives with his mother and she "helps [him] from time to time." *Id.* The motion to proceed IFP is GRANTED.

II. Merits

A. Legal Standard

The court must dismiss a complaint brought by an individual proceeding IFP if it determines the complaint "fails to state a claim on which relief may be granted." 28 U.S.C. § 1915(e)(2)(B)(ii); *Tate v. SCR Med. Transp.*, 809 F.3d 343, 345 (7th Cir. 2015) (noting that the Seventh Circuit has "read 'case' in section 1915(e)(2)(B)(ii) to mean 'complaint'"). The Federal Rule of Civil Procedure 12(b)(6) standard applies when determining if a complaint fails to state a claim under § 1915(e)(2)(B)(ii). *Coleman v. Lab. & Indus. Rev. Comm'n of Wis.*, 860 F.3d 461, 468 (7th Cir. 2017). Thus, the court takes all well-pleaded allegations as true and views them in

the light most favorable to the plaintiff. *Arnett v. Webster*, 658 F.3d 742, 751 (7th Cir. 2011). A "complaint must state a claim to relief that is plausible on its face." *Roake v. Forest Pres. Dist. of Cook Cnty.*, 849 F.3d 342, 345–46 (7th Cir. 2017) (quotation marks omitted). "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.* at 346 (quotation marks omitted). "Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The court is "not bound to accept as true a legal conclusion couched as a factual allegation." *Id.* (quotation marks omitted).

B. Analysis

Plaintiff's complaint fails to state a claim for relief for a few reasons. First, Plaintiff fails to allege sufficient factual content. He alleges Defendants committed a number of constitutional violations—including violation of his First, Second, Fourth, and Fourteenth Amendment rights—and violations of other federal laws. Compl. 7–8. But these conclusory allegations do not suffice to state a plausible claim for relief. The only specific factual allegations Plaintiff includes in his complaint are that he was not able to get his Gmail account back and that Defendants "us[ed] illegal wiretaps and interferences causing [his business's networks] to keep crashing on [him]." *Id.* at 7. There is simply insufficient factual content from which the Court could draw the inferences that the alleged legal violations occurred and that Defendants are liable for them.

Second, along those same lines, Plaintiff fails to sufficiently allege each Defendant's personal involvement in the alleged legal violations. He purports to be bringing claims pursuant to 42 U.S.C. § 1983 and *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). Section 1983 provides a cause of action against those who, under color of

state law, violate an individual's constitutional or federal rights. *Bivens* recognizes an implied cause of action against federal officers for constitutional violations. *See Bivens*, 403 U.S. at 396–97; *Ziglar v. Abbasi*, 137 S. Ct. 1843, 1854–55 (2017). "[V]icarious liability is inapplicable to *Bivens* and § 1983 suits, [so] a plaintiff must plead that each . . . defendant, through the [defendant's] own individual actions, has violated the Constitution." *Ashcroft*, 556 U.S. at 676. But Plaintiff includes no allegations about what actions any particular Defendant took to violate his rights.

Lastly, Plaintiff fails to allege that the private Defendants—like Facebook, Inc. and Google, Inc.—acted under state or federal law, as is necessary for § 1983 or *Bivens* liability. He vaguely alleges that all Defendants conspired together, *see* Compl. 7–8, but the complaint contains no factual allegations that would support such a conclusion. Thus, the Court must dismiss Plaintiff's complaint for failure to state a claim.

The Court will not grant Plaintiff leave to amend because his complaint is also frivolous. *See* 28 U.S.C. § 1915(e)(2)(B)(i) (requiring a court to dismiss a case "if [it] determines that the action . . . is frivolous or malicious"). "[A] complaint . . . is frivolous where it lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (referring to an earlier version of the statute that placed the court's ability to dismiss for frivolousness in subsection (d)). Section 1915(e)(2)(B)(i) allows courts "to pierce the veil of [a] complaint's factual allegations and dismiss those claims whose factual contentions are clearly baseless," such as "fantastic or delusional scenarios." *Id.* at 327–28. Here, Plaintiff is alleging a vast, wide-ranging conspiracy between various technology companies, officials of those companies, police departments, the State of Illinois, all state and federal judges, and others to interfere with Plaintiff's email account and his computer networks. These are irrational, incredible allegations.

See Atkins v. Sharpe, 854 F. App'x 73, 75 (7th Cir. 2021) ("[Plaintiff] believes that civil servants employed by federal clerks' offices throughout the country have colluded to create a secret, 'fake' offline PACER system to hide cases from her. Such a vast conspiracy, requiring an impossible degree of secrecy and resources, is fanciful."); *Holland v. City of Gary*, 503 F. App'x 476, 477–78 (7th Cir. 2013) (finding the plaintiff's allegations—"that a wide-reaching enterprise—including dozens of local professionals, his own mother, and a clandestine group called 'MEGWITHANIA'—conspired to violate his constitutional rights over 20 years"—were frivolous); *Lawrence v. Interstate Brands*, 278 F. App'x 681, 684 (7th Cir. 2008) ("Lawrence's allegations—that the Illinois legal system is controlled by the Ku Klux Klan and that a vast network composed of lawyers, judges, and his former employers have conspired over the past 20 years to deny him equal protection of the laws, harass him . . . , and defraud him—are frivolous . . . ."). Any amendment providing further detail regarding this alleged conspiracy would be futile, so leave to amend will not be granted. *See Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. & Nw. Ind.*, 786 F.3d 510, 520 (7th Cir. 2015).

CONCLUSION

Accordingly, Plaintiff Bobby Lee Dickerson, Jr.'s motion for leave to proceed in forma pauperis, ECF No. 10, is GRANTED. His complaint, ECF No. 1, is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B). His motion to request counsel, ECF No. 6, is MOOT. The Clerk is directed to enter judgment and close the case.

Entered this 22nd day of November, 2021.

s/ Sara Darrow
SARA DARROW
CHIEF UNITED STATES DISTRICT JUDGE