



**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 17-1791

Jodi Anderson

Appellant

v.

North Dakota, et al.

Appellees

Appeal from U.S. District Court for the District of North Dakota - Bismarck
(1:17-cv-00045-CSM)

ORDER

The petition for rehearing by the panel is denied.

October 03, 2017

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 17-1791

Jodi Anderson

Plaintiff - Appellant

v.

North Dakota; South Carolina; Morgan Lewis & Bochius

Defendants - Appellees

Appeal from U.S. District Court for the District of North Dakota - Bismarck
(1:17-cv-00045-CSM)

JUDGMENT

Before WOLLMAN, GRUENDER and SHEPHERD, Circuit Judges.

This court has reviewed the original file of the United States District Court. It is ordered by the court that the judgment of the district court is summarily affirmed. See Eighth Circuit Rule 47A(a).

August 22, 2017

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

Jodi Anderson,

Plaintiff,

vs.

North Dakota, et. al.,

Defendants.

ORDER

Case No. 1:17-cv-045

Before the court an "Application to Proceed In Form Pauperis without Prepaying Fees or Costs" filed by plaintiff on April 25, 2016. Attached to the application are documents that the court construes as a proposed complaint.¹

Having reviewed the financial information provided by plaintiff, the undersigned concludes that she is unable to pay the filing fee. Consequently, the undersigned shall **GRANT** plaintiff's application to proceed *in forma pauperis* (Docket No. 1) and direct the Clerk's office to file plaintiff's complaint. This does not end the court's analysis, however.

Section 1915(e)(2) provides that, notwithstanding financial eligibility, "the court shall dismiss the case at any time if the court 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). Federal Rule of Civil Procedure 8(a)(2) requires a claim for relief contain "a short and plain statement of the claim showing that the pleader is entitled to relief[.]" To meet this standard, a complaint must include

¹ On March 13, 2017, plaintiff filed notice of her consent to the undersigned's exercise of jurisdiction in this matter. (Docket No. 4).

“enough facts to state a claim to relief that is plausible on its face.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007). In applying the standard, the court must accept the plaintiff’s factual allegations as true. Braden v. Wal-Mart Stores, Inc., 588 F.3d 585, 594 (8th Cir. 2009) (citing Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)). Pro se complaints must be liberally construed. Stone v. Harry, 364 F.3d 912, 914 (8th Cir. 2004). However, in construing a pro se complaint, the court “will not supply additional facts, nor . . . construct a legal theory for plaintiff that assumes facts that have not been pleaded.” Id. (citing Dunn v. White, 880 F.2d 1188, 1197 (10th Cir. 1989)).

Having reviewed plaintiff’s complaint, the undersigned concludes that it fails to assert any discernable claim for which relief may be granted. Consequently, the undersigned **ORDERS** that the above entitled action be **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Dated this 17th day of March, 2017.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court

**Additional material
from this filing is
available in the
Clerk's Office.**