

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-5137

September Term, 2017

1:18-cv-00281-UNA

Filed On: September 14, 2018

Cathy L. Toole,

Appellant

v.

Robert Wilkie, Department of Veterans
Affairs, et al.,

Appellees

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Griffith and Katsas, Circuit Judges, and Sentelle,
Senior Circuit Judge

JUDGMENT

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief and supplemental brief filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the order of the district court filed April 12, 2018, be affirmed. The district court did not abuse its discretion in ruling that appellant failed to comply with Federal Rule of Civil Procedure 8(a). See Ciralsky v. CIA, 355 F.3d 661, 668-69 (D.C. Cir. 2004). Rule 8 requires "a short and plain statement of the grounds for the court's jurisdiction" and "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a). The underlying complaint failed to satisfy that minimal standard. Because appellant's complaint was dismissed without prejudice, she may file a new complaint that cures the deficiencies identified by the district court.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Ken Meadows
Deputy Clerk

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-5137

September Term, 2018

1:18-cv-00281-UNA

Filed On: October 17, 2018

Cathy L. Toole,

Appellant

v.

Robert Wilkie, Department of Veterans
Affairs, et al.,

Appellees

BEFORE: Griffith and Katsas, Circuit Judges, and Sentelle,
Senior Circuit Judge

ORDER

Upon consideration of the motion for reconsideration of the order denying the motion to hold oral argument, the motions for oral argument, and the petition for rehearing, it is

ORDERED that the motion for reconsideration, which also requests a different panel of judges, be denied. It is

FURTHER ORDERED that the motions for oral argument be denied. It is

FURTHER ORDERED that the petition for panel rehearing be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Ken Meadows
Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CATHY L. TOOLE,)
Plaintiff,)
v.)
DAVID J. SHULKIN, *et al.*,)
Defendants.)
Civil Action No. 18-0281 (UNA)

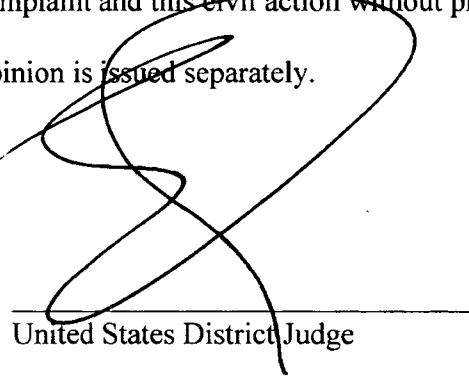
MEMORANDUM OPINION

This matter is before the Court on plaintiff's application to proceed *in forma pauperis* and her *pro se* civil complaint. The application will be granted, and the complaint will be dismissed.

The Court has reviewed plaintiff's complaint, keeping in mind that complaints filed by *pro se* litigants are held to less stringent standards than those applied to formal pleadings drafted by lawyers. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972). Even *pro se* litigants, however, must comply with the Federal Rules of Civil Procedure. *Jarrell v. Tisch*, 656 F. Supp. 237, 239 (D.D.C. 1987). Rule 8(a) of the Federal Rules of Civil Procedure requires that a complaint contain a short and plain statement of the grounds upon which the Court's jurisdiction depends, a short and plain statement of the claim showing that the pleader is entitled to relief, and a demand for judgment for the relief the pleader seeks. Fed. R. Civ. P. 8(a). The purpose of the minimum standard of Rule 8 is to give fair notice to the defendants of the claim being asserted, sufficient to prepare a responsive answer, to prepare an adequate defense and to determine whether the doctrine of *res judicata* applies. *Brown v. Califano*, 75 F.R.D. 497, 498 (D.D.C. 1977).

It appears that the plaintiff demands an award of \$ 9 billion for reasons that are not clear. As drafted, however, the complaint fails to comply with Rule 8(a). It fails to set forth a basis for this Court's jurisdiction or any factual allegations showing that the plaintiff is entitled to the relief sought. The Court will dismiss the complaint and this ~~civil action~~ without prejudice. An Order consistent with this Memorandum Opinion is issued separately.

DATE: 4/12/18



United States District Judge

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CATHY L. TOOLE,)
Plaintiff,)
v.)
DAVID J. SHULKIN, *et al.*,)
Defendants.)
Civil Action No. 18-0281 (UNA)

ORDER

For the reasons stated in the accompanying Memorandum Opinion, it is hereby
ORDERED that the plaintiff's application to proceed *in forma pauperis*[2] is
GRANTED; and it is

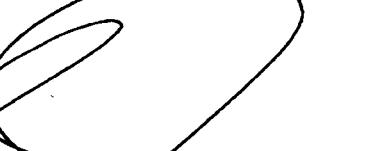
FURTHER ORDERED that the complaint and this civil action are DISMISSED
WITHOUT PREJUDICE.

This is a final appealable Order.

SO ORDERED.

DATE: 4/12/18

United States District Judge



United States District Judge

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