

APPENDIX

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Dilip Dey, Ph.D. v. Li-Huei Tsai, Ph.D., et al., First Circuit Court of Appeals, no. 19-1478 (January 7, 2020)

United States Court of Appeals
for the First Circuit

DILIP DEY, Ph.D.,
Plaintiff-Appellant

v.

LI-HUEI TSAI, Ph.D., Prof. Massachusetts Institute of Technology; ANANNA DEY;
THOMAS BENJAMIN; GREGORY EVANS; JOHN AMARAL; DAVID ROSMARIN,
Defendants-Appellees

Before Lynch, Kayatta and Baron, Circuit Judges.

JUDGMENT

Entered: January 7, 2020

Pro se appellant Dilip Dey appeals from the district court's dismissal of his complaint at the screening stage after he had been afforded the opportunity to amend. We assume that de novo review applies. Having applied such review to relevant portions of the record, including the operative amended complaint, and to Dey's submission to this court, we affirm, essentially for the reasons set forth in the district court's April 8, 2019" order of dismissal." See 28 U.S.C. §1915€(2)(B)(ii) (allowing the district court to dismiss an in forma pauperis action at any time if it "fails to state a claim on which relief may be granted").

Affirmed. See 1st Cir. rule 27.0(c).

By the Court:

Maria R. Hamilton, Clerk

Dilip Dey, Ph.D. v. Li Huei Tsai, Ph.D., no.18-12113-NMG (D. Mass. April 5, 2019)

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DILIP DEY, Ph.D., Plaintiff

v.

LI-HUEI TSAI, Ph.D., Defendant

Civil Action No. 18-12113-NMG

April 5, 2019

ORDER DISMISSING CIVIL ACTION

Gorton, J.

This action is hereby DISMISSED without prejudice. Plaintiff Dilip Dey's complaint is subject to screening pursuant to 28 U.S.C. § 1915 because he is proceeding *in forma pauperis*. As such, the Court must dismiss the action if it is frivolous, malicious, or fails to state a claim upon which it can be granted. 28 U.S.C. § 1915(e)(2)(B). “[A] complaint must contain a sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *McMann v. Selene Fin. LP for Wilmington Sav. Fund Soc’y, FSB*, 332F. Supp. 3d 481, 484 (D. Mass. 2018) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570, 127 S.Ct. 1955, 167

L.Ed.2d 929 (2007). As pleaded, Dey's amended complaint does not state a plausible claim to relief on its face. The Clerk is directed to issue an order of dismissal of this action without prejudice.

So Ordered.

Nathaniel M. Gorton

United States District Judge

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DILIP DEY, PH.D.,

Plaintiff,

CIVIL ACTION

v.

LI-HUEI TSAI, PH.D.,

NO. 18-12113-NMG

Defendant.

ORDER OF DISMISSAL

GORTON, J.

In accordance with the Court's ORDER dated April 5, 2019, it is hereby
ORDERED that the above-entitled action be and hereby is dismissed without prejudice.

By the Court,

April 8, 2019

Date

/s/ Daniel C. Hohler

Deputy Clerk

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