

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

DEBORAH L. LITTLE,	:
Plaintiff,	:
	:
-vs-	: Civil No. 3:99cv887 (PCD)
	:
UNITED STATES POSTAL SERVICE,	:
Defendant.	:

RULING ON DEFENDANT’S MOTION TO DISMISS

Defendant moves to dismiss plaintiff’s second amended complaint¹ pursuant to FED. R. CIV. P. 12(b)(6). For the reasons set forth herein, the motion to dismiss is granted.

II. BACKGROUND

The procedural history of the present action is as follows. Plaintiff filed her complaint on December 3, 1998. On July 19, 2000, plaintiff’s motion for appointment of counsel was denied “without prejudice to renewal if plaintiff demonstrates that she has responded to Attorney Eldergill, who has made repeated efforts to contact her at the Court’s request.” On March 13, 2001, the complaint was dismissed for lack of prosecution pursuant to D. CONN. L. CIV. R. 16(a). On April 16, 2001, the order dismissing the case was vacated. On January 18, 2002, the complaint was dismissed for plaintiff’s failure to provide a short and plain statement of her claim. On February 15, 2002, plaintiff filed an amended complaint followed by a second amended complaint filed on March 26, 2002.

¹ Defendant moves to dismiss plaintiff’s amended complaint, which was again amended prior to the filing of the motion. “[A]n amended complaint ordinarily supersedes the original, and renders it of no legal effect.” *Shields v. Citytrust Bancorp, Inc.*, 25 F.3d 1124, 1128 (2d Cir. 1994) (internal quotation marks omitted). The second amended complaint is therefore the relevant complaint and the motion to dismiss is construed as a motion to dismiss the second amended complaint.

In her pro se complaint, plaintiff alleges the factual background for her case as a

loading dock accident, improper medical care, harassment, denial of workers' compensation, falsifying paperwork, falsifying time card, denying medical payments on injuries, discrimination against a pregnant employee and refusing me the chance for upward mobility, violation of employee labor manual laws, 18 motor vehicle accidents between 3/29/89 - 8/94, miscarriage 1/7/94 triplets on the job, 6 personal injuries on the job between 1/8/91 thru 8/19/94, invasion of privacy.

Under the pro se complaint form's cause of action section, she adds "2/17/89 loading dock accident wrote this safety hazard up three times prior to accident," "loading dock #5 Worcester, MA John Claire - picked me up," "18 motor vehicles on job - James Dickinson between 3/2/89 thru 8/94 - I was reporting accident to him over phone," "6 personal injuries between 18/91 - 8/19/94 on the job" and "observed Lynn Parker immediate supervisor opening my locker." Plaintiff's stated legal theories are "false claims act," "whistleblower," "family leave act," "arbitration," "due process," "privacy" and "unreasonable search and seizure."

II. DISCUSSION

Notwithstanding the liberal standard under which her pro se complaint is reviewed, *see Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S. Ct. 594, 30 L. Ed. 2d 652 (1972); *Graham v. Henderson*, 89 F.3d 75, 79 (2d Cir. 1996), plaintiff has failed to remedy the deficiencies that resulted in the dismissal of her original complaint. Her complaint does not contain "a short and plain statement of the claim showing that the pleader is entitled to relief." FED. R. CIV. P. 8(a)(2), nor does it provide defendant with notice of the claims against it sufficient to answer and prepare for trial. *Simmons v. Abruzzo*, 49 F.3d 83, 87 (2d Cir. 1995). The legal basis for her claims cannot be discerned from her statement of facts and law. *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988). The allegations

provided in a complaint must, at a minimum, provide sufficient information so that a defendant without knowledge of the plaintiff's circumstances is able to obtain details of the date she was injured, those bearing witness to or responsible for her injuries, the nature of the injury (whether physical or financial) and the legal basis on which she claims that she is entitled to compensation for her injuries. Having failed to meet this minimum requirement, for which plaintiff bears the sole responsibility since she failed to respond to the efforts of Attorney Eldergill to assess her case, efforts which could have lead to a compliant statement of the case, defendant's motion to dismiss is granted.

III. CONCLUSION

Defendant's motions to dismiss (Doc. 30) is **granted**. Plaintiff is granted leave to file an amended complaint within thirty days.

SO ORDERED.

Dated at New Haven, Connecticut, May ____, 2002.

Peter C. Dorsey
United States District Judge