

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

JOHN J. FALL,
Plaintiff,

v.

C.A. No. 14-453-ML

JOHN N. KANE,
Defendant.

ORDER

I. Background

Plaintiff, John J. Fall (“Plaintiff”) instituted this action on October 10, 2014. See Docket #1. The summons attached to his claim did not comply with Fed. R. Civ. P. 4, therefore, the Court forwarded Plaintiff the proper form to institute service on Defendant, John N. Kane (“Defendant”). See Docket ## 2, 3. Plaintiff, however, did not file the summons form forwarded to him by the Court. On April 9, 2015, the Court ordered that the case be dismissed without prejudice, within 14 days, unless Plaintiff could show cause why the case should not be dismissed for lack of prosecution. See Docket # 13.

II. Analysis

The Court construes Plaintiff’s pro se papers more liberally than those drafted by an attorney. Erickson v. Pardus, 551 U.S. 89 (2007). In response to the show cause order, Plaintiff filed a number of documents titled “Verifiable Proof of Service and Verifiable True Copy,” “notice: Trespass on Case’,” and an “Affidavit/Jurat.” See Docket # 14. These documents

contain a series of non-responsive, incoherent statements. For example, Plaintiff asserts that:

“That on or near April 15, 2015, i [sic] received the adjoined document sub-titled ‘SHOW CAUSE ORDER’ which I believe, proposes to trespass on My case, which i [sic] reject for cause[;]”

“i [sic] have no case filed in or at the UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND;”

“the UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND has neither jurisdiction not [sic] authority over i and/or My property (which includes but is not limited to, My case);”

“That My case has no party like the person(s) and/or trust: John J Fall, John J. Fall, JOHN J FALL, JOHN J. FALL, nor JOHN JOSEPH FALL,;”

“That i have repeatedly ordered [the Clerk of the Court] to schedule My claim for a ‘trial by jury’ solely in ‘common law’ by way of a court of record and he, with collusion of a Magistrate, has obstructed, and trespassed upon, My case[.]”

Docket #14 at pg. 2 ¶¶ 4, 5, 6, 8, and pg. 3 at ¶ 14.

The Court finds that Plaintiff has not shown cause.

III. Conclusion

This matter is dismissed for lack of prosecution. See D.R.I. LR Cv 41.

SO ORDERED.

/s/ Mary M. Lisi

Mary M. Lisi

United States District Judge

April 21, 2015