

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JAROME R. WILLINGHAM,)	
)	
Plaintiff,)	
)	
v.)	Case No. 10-2584-EFM
)	
JOHNSON COUNTY ADULT)	
DETENTION CENTER,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

Pro se plaintiff Jarome R. Willingham has filed this case against the Johnson County Adult Detention Center. On the form complaint filed by Willingham, where he was instructed to give “a short and plain statement of the claim showing that [he] is entitled to relief,” Willingham stated, “Violation Civil Right equal Rights, Racial Profiling Discrimination, Religion Police Brutality” (doc. 1). His complaint includes no factual information. Further, Willingham has not stated what relief he seeks, and although he indicates that he is claiming actual and punitive damages, he has not stated the amounts or the reasons he believes he is entitled to recover such monetary damages.

A complaint is subject to dismissal for failure to state a claim where it fails to present sufficient factual information to state a claim for relief that is plausible on its face.¹ Because Willingham has included no factual information and only conclusory legal claims, the

¹*Robinson v. Farmers Servs. L.L.C.*, No. 10-2244, 2010 WL 4067180, at *2 (D. Kan. 2010); *see also Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007); *Ashcroft v. Iqbal*, ___ U.S. ___, 129 S. Ct. 1937, 1949 (2009).

undersigned recommends that United States District Judge Eric F. Melgren dismiss this case for failure to state a claim² unless Willingham shows cause by **November 10, 2010**, why this case should not be dismissed.

Willingham is hereby informed that, within 14 days after he is served with a copy of this report and recommendation, he may, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72, file written objections to the report and recommendation. Willingham must file any objections within the 14-day period allowed if he wants to have appellate review of the proposed findings of fact, conclusions of law, or the recommended disposition. If no objections are timely filed, no appellate review will be allowed by any court.

A copy of this report and recommendation shall be sent to Willingham by regular and certified mail.

Dated October 27, 2010, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge

²28 U.S.C. § 1915(e)(2)(B)(ii) states that a court shall dismiss a proceeding in forma pauperis if at any time the court determines that the action fails to state a claim. Willingham has not paid the filing fee in this action. His motion to proceed in forma pauperis is pending (doc. 3).