

APPEAL,CLOSED,NEBRASKADOCKET,PROSEDOCKET,TRIAL-OMAHA

**U.S. District Court**  
**District of Nebraska (8 Omaha)**  
**CIVIL DOCKET FOR CASE #: 8:16-cv-00179-RGK-PRSE**

Williamson v. Meineke Car Repair Shop, et al  
Assigned to: Senior Judge Richard G. Kopf  
Referred to: Pro Se Docket  
Cause: 28:1331 Fed. Question

Date Filed: 04/21/2016  
Date Terminated: 06/10/2016  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff****Avis Williamson**

represented by **Avis Williamson**  
3228 North 39th Street  
Omaha, NE 68111  
(402) 453-8167  
PRO SE

V.

**Defendant****Meineke Car Repair Shop****Defendant****Charles Olson**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
04/21/2016	<u>1</u>	COMPLAINT against Meineke car repair shop, Charles Olson. No Summons issued, filed on behalf of plaintiff Avis Williamson.(TCL ) (Entered: 04/21/2016)
04/21/2016	<u>2</u>	MOTION for Leave to Proceed in forma pauperis on behalf of Plaintiff Avis Williamson. (TCL) (Entered: 04/21/2016)
04/21/2016	<u>3</u>	NOTICE by Clerk acknowledging receipt of complaint filed by a pro se party. (TCL ) (Entered: 04/21/2016)
04/21/2016	<u>4</u>	GENERAL ORDER NO. 2016-02: This general order provides for the management and assignment of cases filed by a plaintiff or petitioner without counsel. This general order also includes the definition of the pro se docket, responsibilities of the pro se law clerks and scheduling and discovery requirements in pro se cases. Ordered by Chief Judge Laurie Smith Camp. (Copy mailed to pro se party)(TCL ) (Entered: 04/21/2016)
04/25/2016	<u>5</u>	SUPPLEMENT regarding MOTION for Leave to Proceed in forma pauperis <u>2</u> on behalf of Plaintiff Avis Williamson. (KLF) (Entered: 04/25/2016)

04/26/2016	<u>6</u>	ORDER that leave to proceed in forma pauperis is provisionally granted, and the Complaint shall be filed without payment of fees. Plaintiff is advised that the next step in his case will be for the court to conduct an initial review of his claims to determine whether summary dismissal is appropriate under 28 U.S.C. § 1915(e)(2). The court will conduct this initial review in its normal course of business. Ordered by Senior Judge Richard G. Kopf. (Copy mailed to pro se party) (KLF) (Entered: 04/26/2016)
06/10/2016	<u>7</u>	MEMORANDUM AND ORDER - This action is dismissed without prejudice for lack of subject-matter jurisdiction. Judgment shall be entered by separate document. Ordered by Senior Judge Richard G. Kopf. (Copy mailed to pro se party) (KLF) (Entered: 06/10/2016)
06/10/2016	<u>8</u>	JUDGMENT - For the reasons set forth in the Memorandum and Order <u>7</u> entered on this date, this matter is dismissed without prejudice for lack of subject-matter jurisdiction. Ordered by Senior Judge Richard G. Kopf. (Copy mailed to pro se party) (KLF) (Entered: 06/10/2016)
08/08/2016	<u>9</u>	NOTICE OF APPEAL regarding Judgment <u>8</u> filed by Plaintiff Avis Williamson. (Copy mailed to pro se party) (KLF) (Entered: 08/08/2016)
08/08/2016	<u>10</u>	MOTION for Leave to Appeal in forma pauperis filed by Plaintiff Avis Williamson. (KLF) (Entered: 08/08/2016)
08/09/2016	<u>11</u>	COPY OF UNTIMELY APPEAL MEMO prepared by deputy clerk and sent to Judge Kopf as to Plaintiff Avis Williamson. (KLF) (Entered: 08/09/2016)
08/10/2016	<u>12</u>	MEMORANDUM AND ORDER - Plaintiff's Notice of Appeal (Filing No. <u>9</u> ) was not timely filed. Plaintiff's Motion for Leave to Appeal In Forma Pauperis (Filing No. <u>10</u> ) is denied. The clerk of the court is directed to send a copy of this order to the Eighth Circuit Court of Appeals. Ordered by Senior Judge Richard G. Kopf. (Copy mailed to pro se party) (KLF) (Entered: 08/10/2016)
08/10/2016	<u>13</u>	NOTIFICATION OF APPEAL AND NOA SUPPLEMENT by Clerk to USCA regarding Memorandum and Order <u>7</u> , Judgment <u>8</u> , Notice of Appeal to USCA <u>9</u> , MOTION for Leave to Appeal in forma pauperis <u>10</u> , and Memorandum and Order <u>12</u> . Notice of Appeal filed on 08/08/2016 by Plaintiff Avis Williamson. Appeal has been deemed untimely and IFP has been denied. (Copy mailed to pro se party) (KLF) (Entered: 08/10/2016)
08/12/2016	<u>14</u>	COPY of Order from USCA - 8th Circuit (16-3346) The \$505 appellate filing and docketing fee has not been paid and is due. Appellant is directed to either pay the fee in the district court or file a motion for leave to proceed in forma pauperis in this court within 28 days of the date of this order. If appellant does not pay the fee or move for IFP status by September 9, 2016, this appeal will be dismissed for failure to prosecute without further notice. (Attachments: # <u>1</u> Letter by Clerk) (KLF) (Entered: 08/12/2016)

<b>PACER Service Center</b>
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08/30/2016 11:10:53

<b>PACER Login:</b>	tcn22015:2610667:0	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	8:16-cv-00179- RGK-PRSE
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA

IN THE UNITED STATES DISTRICT COURT  
FOR THE \_\_\_\_\_ DISTRICT OF \_\_\_\_\_  
\_\_\_\_\_ DIVISION

2016 APR 21 PM 12:24

(Write the District and Division, if any, of the court in which the complaint is filed.) OFFICE OF THE CLERK

Avis Williamson

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*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**-against-**

Meineke car repair shop  
Charles Olson

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*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**Complaint for a Civil Case**

Case No. 8:16CV179  
(to be filled in by the Clerk's Office)

Jury Trial:  Yes  No  
(check one)

**I. The Parties to This Complaint**

**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Avis Williamson  
Street Address 3228 North 32th Street  
City and County Omaha Douglas  
State and Zip Code Nebraska 68111  
Telephone Number 402 453-8167  
E-mail Address \_\_\_\_\_

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name Charles Olson  
Job or Title Owner  
(if known)  
Street Address 4839 North 90th St.  
City and County Omaha Douglas  
State and Zip Code Ne 68134-2704  
Telephone Number 402 571-0946  
E-mail Address \_\_\_\_\_  
(if known)

Defendant No. 2

Name \_\_\_\_\_  
Job or Title \_\_\_\_\_  
(if known)  
Street Address \_\_\_\_\_  
City and County \_\_\_\_\_

State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_  
(if known)

Defendant No. 3

Name \_\_\_\_\_  
Job or Title \_\_\_\_\_  
(if known)  
Street Address \_\_\_\_\_  
City and County \_\_\_\_\_  
State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_  
(if known)

Defendant No. 4

Name \_\_\_\_\_  
Job or Title \_\_\_\_\_  
(if known)  
Street Address \_\_\_\_\_  
City and County \_\_\_\_\_  
State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_  
(if known)

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

Federal question

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

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**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* Avis Williamson, is a citizen of the State of *(name)* Nebraska.

b. If the plaintiff is a corporation

The plaintiff, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* Charles Olson, is a citizen of the State of *(name)* \_\_\_\_\_. Or is a citizen of *(foreign nation)* \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) Meineke, is incorporated under the laws of the State of (name) Nebraska, and has its principal place of business in the State of (name) Nebraska. Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Maineke car repair shop changed my transmission fluid because it was time to be changed and everything was perfectly fine with the transmission fluid then when I went back a couple months later they told me the hoses on my transmission fluid was leaking and they refuse to service it without me paying them again. I have proof of charges.

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I have proof of them saying it needs to be repaired  
they never gave me the amounts it takes to be  
repaired. I don't want to lose my entire car if it is  
not repaired immediately. I am a sick woman  
I shouldn't have to go through all of this to get them to service  
me. I have spent thousands of dollars at the car repair shop. I tried to

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

*I tried to talk to very nearly 3 times*

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: April 21, 2016

Signature of Plaintiff

M. Avis Williamson

Printed Name of Plaintiff

M. Avis Williamson

**B. For Attorneys**

Date of signing: \_\_\_\_\_, 20\_\_.

Signature of Attorney \_\_\_\_\_  
Printed Name of Attorney \_\_\_\_\_  
Bar Number \_\_\_\_\_  
Name of Law Firm \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_