

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**RICHARD WAYNE CROWDER,** )

Plaintiff, )

v. )

**MICHAEL WAYNE CROWDER and  
CHERYL DARLING DALTON,** )

Defendants. )

Case No. 7:11CV00501

**OPINION**

By: James P. Jones  
United States District Judge

*Richard Wayne Crowder, Pro Se Plaintiff.*

Richard Wayne Crowder, a Virginia inmate proceeding pro se, filed this civil rights action pursuant to 42 U.S.C.A. § 1983 (West 2006), alleging that the defendants, who are also his parents, violated his constitutional rights by failing to send him money as promised. Crowder also moves to proceed in forma pauperis. While I will grant him in forma pauperis status pursuant to 28 U.S.C.A. § 1915(b) (West 2006), I find that his Complaint itself must be summarily dismissed as frivolous.

Crowder's Complaint is summarized as follows: On May 6, 2011, Crowder's mother told him that she would put \$2,500 dollars in his inmate account, but she never did so. On May 7, 2011, Crowder's father promised to put

\$300 in his inmate account, but the father never did so. Crowder asks the court “to make both [his] parents pay [him] the total amount of \$2,800.

Under 28 U.S.C.A. § 1915(e)(2) (West 2006), which governs in forma pauperis proceedings, the court has the duty to screen initial filings from litigants proceeding in forma pauperis. *Eriline Co. v. Johnson*, 440 F.3d 648, 656-57 (4th Cir. 2006). Further, “a district court must dismiss an [in forma pauperis] action that the court finds to be frivolous or malicious or that fails to state a claim.” *Michau v. Charleston Cnty., S.C.*, 434 F.3d 725, 728 (4th Cir. 2006).

Crowder’s allegations provide no factual or legal basis for an actionable civil rights claim under § 1983. His Complaint must be summarily dismissed under § 1915(e)(2)(B)(i) as frivolous. A separate Final Order will be entered herewith.

ENTER: October 31, 2011

/s/ James P. Jones  
United States District Judge