

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 11-13288 Non-Argument Calendar	FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT NOVEMBER 4, 2011 JOHN LEY CLERK
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D.C. Docket No. 1:11-cv-00195-KD-B

LINDA CONE SELENSKY,

Plaintiff - Appellant,

versus

STATE OF ALABAMA,

Defendant - Appellee.

Appeal from the United States District Court
for the Southern District of Alabama

(November 4, 2011)

Before WILSON, MARTIN and FAY, Circuit Judges.

PER CURIAM:

Plaintiff Linda Selensky, proceeding *pro se* and *in forma pauperis*, appeals the district court's *sua sponte* dismissal of her amended complaint as frivolous

under 28 U.S.C. § 1915(e)(2)(B)(i). We affirm.

We review the district court's dismissal of a claim as frivolous for abuse of discretion. *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001). "A claim is frivolous if it is without arguable merit either in fact or law." *Id.* At the same time, we recognize that *pro se* pleadings are construed liberally. *Hughes v. Lott*, 350 F.3d 1157, 1160 (11th Cir. 2003).

Here, Selensky appears to allege that she has been deprived of her civil rights guaranteed by the Fourteenth Amendment. Her amended complaint mentions due process, discrimination, civil rights conspiracy, fraud, false imprisonment, assault and battery, and the tort of outrage. There are not, however, factual allegations accompanying these claims that would plausibly entitle Selensky to relief. Moreover, there is no legal claim sufficient to overcome the State of Alabama's sovereign immunity under the Eleventh Amendment. *See Alabama v. Pugh*, 438 U.S. 781, 782, 98 S. Ct. 3057, 3057–58 (1978) (*per curiam*); *Cross v. Alabama*, 49 F.3d 1490, 1502 (11th Cir. 1995). Accordingly, there is no arguable merit to Selensky's claim, and the district court did not abuse its discretion in dismissing it as frivolous.

AFFIRMED.