

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

No. 08-1623

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Aug 28, 2009
LEONARD GREEN, Clerk

TIMOTHY WHITEUS,)	
)	
Plaintiff-Appellant,)	
)	
v.)	ON APPEAL FROM THE UNITED
)	STATES DISTRICT COURT FOR
GOVERNOR OF STATE OF MICHIGAN, et.)	THE EASTERN DISTRICT OF
al.,)	MICHIGAN
)	
Defendants-Appellees.)	

ORDER

Before: MARTIN, NORRIS, and GILMAN, Circuit Judges.

BOYCE F. MARTIN, JR., Circuit Judge. Timothy Whiteus, M.D., a pro se Michigan litigant, appeals a district court judgment dismissing his civil rights complaint filed pursuant to 42 U.S.C. §§ 1983, 1985 and 1986. This case has been referred to a panel of the court pursuant to Rule 34(j)(1), Rules of the Sixth Circuit. Upon examination, this panel unanimously agrees that oral argument is not needed. Fed. R. App. P. 34(a).

Dr. Whiteus was originally charged with two counts of Medicaid and Medicare fraud and criminal enterprise. Subsequently, however, the government filed a motion for nolle prosequi, and that motion was granted. Thereafter, Dr. Whiteus sued seventeen defendants, including state and federal investigators, prosecutors, two judges, the state and federal agencies involved, and Blue Cross Blue Shield of Michigan. Seeking monetary damages and injunctive relief, Dr. Whiteus claimed that the defendants engaged in a conspiracy, committed a false arrest, engaged in a malicious prosecution, and defamed him.

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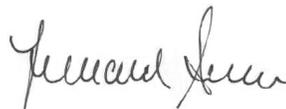
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The defendants filed motions to dismiss. The district court held a hearing on the motions, granted the motions to dismiss, and denied a motion for sanctions filed by Defendant Judge James Giddings. Dr. Whiteus appeals that judgment.

We review a dismissal for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6) *de novo*. A plaintiff's complaint need only provide "a short and plain statement of the claim showing that the pleader is entitled to relief" to survive a motion to dismiss. FED. R. CIV. P. 8(a)(2). A complaint must give the defendants notice of the claims and the grounds upon which they rest, but "[s]pecific facts are not necessary." *Erickson v. Pardus*, 551 U.S. 89, 93 (2007). "[W]hen ruling on a defendant's motion to dismiss, a judge must accept as true all of the factual allegations contained in the complaint." *Erickson*, 551 U.S. at 94 (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555-56 (2007)) (other citations omitted). A court may not grant a motion to dismiss for failure to state a claim "even if it strikes a savvy judge that . . . recovery is very remote and unlikely." *Twombly*, 550 U.S. at 556 (internal quotation marks and citation omitted). Thus, to survive a motion to dismiss, a "complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009).

We conclude that the district court properly dismissed Dr. Whiteus's suit. The district court's judgment is affirmed pursuant to Rule 34(j)(2)(C), Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT



Leonard Green
Clerk