RESEARCH:
Requirement of pleading injury to the plaintiff as necessary to invoke the jurisdiction of the court

U.S. Const. art. III, § 2, cl. 1

- **Section 2.** The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;--between a State and Citizens of another State;--between Citizens of different States;--between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

Warth v. Seldin, 422 U.S. 490 (1975)

- "The Art. III judicial power exists only to redress or otherwise to protect against injury collaterally. A federal court's jurisdiction therefore can be invoked only when the plaintiff himself has suffered 'some threatened or actual injury resulting from the putatively illegal action…"
- "Art. III' s requirement remains: the plaintiff still must allege a distinct and palpable injury to himself, even if it is an injury shared by a large class of other possible litigants."
- "it is within the trial court's power to allow or to require ****2207** the plaintiff to supply, by amendment to the complaint or by affidavits, further particularized allegations of fact deemed supportive of plaintiff's standing. If, after this opportunity, ***502** the plaintiff's standing does not adequately appear from all materials of record, the complaint must be dismissed."
- "Petitioners must allege and show that they personally have been injured, not that injury has been suffered by other, unidentified members of the class to which they belong and which they purport to represent. Unless these petitioners can thus demonstrate the requisite case or controversy between themselves personally and respondents, 'none may seek relief on behalf of himself or any other member of the class.'"

Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-56, 127 S. Ct. 1955, 1964-65, 167 L. Ed. 2d 929 (2007)

- "a plaintiff's obligation to provide the ****1965** "grounds" of his "entitle[ment] to relief" requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do… (on a motion to dismiss, courts "are not bound to accept as true a legal conclusion couched as a factual allegation")."
- "Factual allegations must be enough to raise a right to relief above the speculative level, … ("[T]he pleading must contain something more ... than ... a statement of facts that merely creates a suspicion [of] a legally cognizable right of action"),[3] on

the assumption that all the allegations in the complaint are true (even if doubtful in fact)"

- "We alluded to the practical significance of the Rule 8 entitlement requirement in *Dura Pharmaceuticals, Inc. v. Broudo,* 544 U.S. 336, 125 S.Ct. 1627, 161 L.Ed.2d 577 (2005), when we explained that something beyond the mere possibility of loss causation must be ***558** alleged, lest a plaintiff with " 'a largely groundless claim' " be allowed to " 'take up the time of a number of other people, with the right to do so representing an *in terrorem* increment of the settlement value.' "
- "As we indicated over 20 years ago in *Associated Gen. Contractors of Cal., Inc. v. Carpenters,* 459 U.S. 519, 528, n. 17, 103 S.Ct. 897, 74 L.Ed.2d 723 (1983), "a district court must retain the power to insist upon some specificity in pleading before allowing a potentially massive factual controversy to proceed.""
- "Justice Black's opinion for the Court in *Conley v. Gibson* spoke not only of the need for fair notice of the grounds for entitlement to relief but of "the accepted rule that a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." 355 U.S., at 45–46, 78 S.Ct. 99. This "no set of facts" language can be read in isolation as saying that any statement revealing the theory of the claim will suffice unless its factual impossibility may be shown from the face of the pleadings;… and after puzzling the profession for 50 years, this famous observation has earned its retirement**.** The phrase is best forgotten as an incomplete, negative gloss on an accepted pleading standard: once a claim has been stated adequately, it may be supported by showing any set of facts consistent with the allegations in the complaint."

Ashcroft v. Iqbal, 556 U.S. 662, 678, 129 S. Ct. 1937, 1949, 173 L. Ed. 2d 868 (2009)

- "As the Court held in *Twombly*… the pleading standard Rule 8 announces does not require "detailed factual allegations," but it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation… A pleading that offers "labels and conclusions" or "a formulaic recitation of the elements of a cause of action will not do."… Nor does a complaint suffice if it tenders "naked assertion[s]" devoid of "further factual enhancement.""
- "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."… A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged… The plausibility standard is not akin to a "probability requirement," but it asks for more than a sheer possibility that a defendant has acted unlawfully… Where a complaint pleads facts that are "merely consistent with" a defendant's liability, it "stops short of the line between possibility and plausibility of 'entitlement to relief.' "
- "Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice… (Although for the purposes of a motion to dismiss we must take all of the factual allegations in the complaint as true, we ***1950** "are not bound to accept as true a legal conclusion couched as a factual

allegation" (internal quotation marks omitted)). Rule 8 marks a notable and generous departure from the hyper-technical, code-pleading regime of a prior era, but it does not unlock the doors of discovery for ***679*** a plaintiff armed with nothing more than conclusions."

- "While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations. When there are well-pleaded factual allegations, a court should assume their veracity and then determine whether they plausibly give rise to an entitlement to relief."
- "The Court held the plaintiffs' complaint deficient under Rule 8. In doing so it first noted that the plaintiffs' assertion of an unlawful agreement was a " 'legal conclusion' " and, as such, was not entitled to the assumption of truth."

TO SUM IT ALL UP:

Peay v. Mortgage Elec., 514 F. App'x 896 (11th Cir. 2013)

- **"we must accept all factual allegations in the complaint as true and construe them in the light most favorable to the plaintiff."** *World Holdings, LLC v. Fed. Republic of Germany,* 701 F.3d 641, 649 (11th Cir.2012) (internal quotation marks omitted).
- **"To survive a motion to dismiss, a plaintiff must allege "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do...."** *Bell Atl. Corp. v. Twombly,* 550 U.S. 544, 555, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007)."
- "Rather, **"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,* 556 U.S. 662, 678, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009) (internal quotation marks omitted**). To meet this standard, the complaint must "allow[ ] the court to draw the reasonable inference that the defendant is liable for the misconduct alleged."** *Id.*"
- "Peay points to only one paragraph of the first amendment to her complaint to argue that she has sufficiently alleged an injury causally related to the Defendants' actions. In that paragraph, she merely alleges that she was "a person who was injured by reason of any violation of [Georgia law]." This "formulaic recitation" of the injury element is fatal to Peay's wrongful-foreclosure claim… ("Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice."). Hence, the district court did not err in failing to vacate the dismissal of her claim for wrongful foreclosure."