

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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JAYLON BAKER, )  
Plaintiff, )  
v. ) C.A. No. 15-248-S  
PROVIDENCE JOURNAL, et al., )  
Defendants. )

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MEMORANDUM AND ORDER

WILLIAM E. SMITH, Chief District Judge.

Plaintiff Jaylon Baker, proceeding pro se, has filed a Complaint (ECF No. 1) pursuant to 42 U.S.C. § 1983 and Rhode Island's libel statute. He has also filed an Application to Proceed without Prepayment of Fees and Affidavit (ECF No. 2) ("Application"). The Court is required to screen the Complaint under 28 U.S.C. §§ 1915(e)(2). Having done so, the Court concludes that the Complaint fails to state a claim on which relief may be granted.

I. Background

Baker states that on July 17, 2010, when he was seventeen years old, he "caught a case" as a juvenile. (Compl., Attach. 1 ¶ 1, ECF No. 1-1.) He alleges that a "couple" of days later, the Providence Journal published an article about the case with his name in it. (Id. ¶ 2.) According to Baker, an unnamed staff

writer for the Providence Journal illegally obtained and disclosed his "juvenile" information. (Id. ¶ 3.) Baker states that he was not aware of this situation until another inmate brought it to his attention, "after the Journal did this to someone else." (Id. ¶ 5.) He claims that he was "re-injured" in May 2015. (Id.)

Baker claims that this "illegal disclosure" violated both Rhode Island statutory law, specifically R.I. Gen. Laws § 14-1-64(a), and the Fourth Amendment to the United States Constitution. (Compl., Attach. 1 ¶ 4.) He seeks compensatory and punitive damages, as well as a retraction, or clarification, of the article. (Compl. at 3-4.)

## II. Law

In connection with proceedings in forma pauperis, § 1915(e)(2) instructs the Court to dismiss a case at any time if the Court determines that the action, inter alia, fails to state a claim on which relief may be granted. 28 U.S.C. § 1915(e)(2).<sup>1</sup> The legal standard for dismissing a complaint for

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<sup>1</sup> Section 1915(e)(2) states:

(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that--

- (A) the allegation of poverty is untrue; or
- (B) the action or appeal--
  - (i) is frivolous or malicious;

failure to state a claim pursuant to § 1915(e)(2) is identical to the standard used when ruling on a Rule 12(b)(6) motion. Chase v. Chafee, No. CA 11-586ML, 2011 WL 6826504, at \*2 (D.R.I. Dec. 9, 2011) (citing Pelumi v. Landry, No. 08-107, 2008 WL 2660968, at \*2 (D.R.I. June 30, 2008)). "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, 556 U.S. 662, 678 (2009) (quoting Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)); see also Fed. R. Civ. P. 12(b)(6). In making this determination, the Court must accept a plaintiff's well-pled allegations as true and construe them in the light most favorable to him. See Rogan v. Menino, 175 F.3d 75, 77 (1st Cir. 1999); Greater Providence MRI Ltd. P'ship v. Med. Imaging Network of S. New England, Inc., 32 F. Supp. 2d 491, 493 (D.R.I. 1998). Although the Court must review pleadings of a pro se plaintiff liberally, Estelle v. Gamble, 429 U.S. 97, 106 (1976), the Court need not credit bald assertions or unverifiable conclusions, Iqbal, 556 U.S. at 678-79.

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- (ii) fails to state a claim on which relief may be granted; or
  - (iii) seeks monetary relief against a defendant who is immune from such relief.

28 U.S.C. § 1915(e)(2).

### III. Discussion

The statute on which Baker primarily bases his Complaint is § 14-1-64(a) of the Rhode Island General Laws. Section 14-1-64, entitled "Disposition of juvenile records," provides:

(a) All police records relating to the arrest, detention, apprehension, and disposition of any juveniles shall be kept in files separate and apart from the arrest records of adults and shall be withheld from public inspection, but the police report relating to the arrest or detention of a juvenile shall be open to inspection and copying upon request and upon payment of copying costs in accordance with § 38-2-4 by the parent, guardian, or attorney of the juvenile involved. After disposition of an offense and upon execution of an appropriate release and upon payment of copying costs in accordance with § 38-2-4 by the parent, guardian, or attorney of the juvenile involved, records relating to the arrest, detention, apprehension and disposition of the juveniles shall be open to inspection and copying by the parent, guardian, or attorney of the juvenile involved.

(b) Notwithstanding subsection (a) of this section, the identity of any juvenile waived pursuant to § 14-1-7.1 or certified and convicted pursuant to § 14-1-7.2 shall be made public.

R.I. Gen. Laws § 14-1-64. Baker has not provided a copy of the article in question. However, the Court takes judicial notice of the fact that on July 19, 2010, the Providence Journal published an article about the incident.<sup>2</sup> W. Zachary Malinowsky,

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<sup>2</sup> Federal Rule of Evidence 201, which governs judicial notice of adjudicative facts, provides in relevant part:

**(b) Kinds of Facts That May Be Judicially Noticed.**  
The court may judicially notice a fact that is not subject to reasonable dispute because it:

Teen wounded in police chase, Providence Journal, July 19, 2010, 2010 WLNR 14397086. The writer of the article refers to “[t]he teenager, who is not being identified because he is a juvenile.” Id. at 1. He subsequently refers to the teenager as “the 17-year-old boy,” “the juvenile,” and “the suspect.” Id. at 1-2. Nowhere in the article is Baker mentioned by name.

Moreover, the information was not illegally obtained. Rather, the article quotes Police Major Thomas F. Oates III:

The juvenile is no stranger to the Providence police. Oates said that he has been arrested three times in the past three years for felony assault, possession of a stolen motor vehicle and possession with intent to deliver cocaine. The drug charge resulted in a

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- (1) is generally known within the trial court’s territorial jurisdiction; or
  - (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

Fed. R. Evid. 201(b); see also Bell Atl. Corp. v. Twombly, 550 U.S. 544, 568 n.13 (2007) (“District Court was entitled to take notice of the full contents of the published [newspaper] articles referenced in the complaint.”); Freeman v. Town of Hudson, 714 F.3d 29, 36 (1st Cir. 2013) (noting, in context of motion to dismiss, that “[u]nder certain ‘narrow exceptions,’ some extrinsic documents may be considered without converting a motion to dismiss into a motion for summary judgment. These exceptions include ‘documents the authenticity of which are not disputed by the parties; . . . official public records; . . . documents central to plaintiffs’ claim; [and] . . . documents sufficiently referred to in the complaint.’” (quoting Watterson v. Page, 987 F.2d 1, 3 (1st Cir. 1993) (alterations in original))); In Re UTGR, Inc., No. 09-12418, 2011 WL 4543972, at \*2 n.1 (Bankr. D.R.I. Sept. 29, 2011) (“The Court takes judicial notice of these published [newspaper] reports, which are attached and made a part of this Decision.” (citing Bell Atl., 550 U.S. at 568 n.13)).

conviction and one year in the custody of the state Department of Children, Youth and Families.

Id. at 1. Thus, while the article included information pertaining to Baker's juvenile record, his name was not used and the information was not illegally obtained by the Providence Journal staff writer. These allegations form the basis of Baker's Complaint.

Accordingly, Baker's Complaint fails to state a claim on which relief may be granted and is, therefore, DISMISSED.

#### IV. Conclusion

Baker's Complaint is DISMISSED with prejudice. His pending Application to proceed in forma pauperis is DENIED as moot.

IT IS SO ORDERED.



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William E. Smith  
Chief Judge  
Date: August 28, 2015