

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CAPTAIN MELVIN GRESHAM,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 09-0029 (JR)
	:	
DISTRICT OF COLUMBIA,	:	
	:	
Defendant.	:	

**MEMORANDUM**

The controlling precedent that defeats plaintiff's invocation of this Court's diversity jurisdiction is Long v. District of Columbia, 820 F.2d 409, 414 (D.C. Cir. 1987). The Circuit could not have been clearer in its holding: "[T]he District, like the fifty states, is not subject to diversity jurisdiction." What if the District is considered a municipality and not a state? "Irrespective of any labels, the District is not subject to the diversity jurisdiction of the federal courts."

Counsel's argument about 28 U.S.C. § 1332(d) [#31] is unimpressive -- the code section to which he refers is now s 1332(e). That section was added to the statute before Long was decided, and the Circuit considered it, concluding, again with crystal clarity, that "[i]n labeling the District a 'State' in subsection (d), Congress did not intend to decide the question whether the District itself is subject to diversity jurisdiction."

The District's response to order of the court [#29], treated as a motion to dismiss for want of subject matter jurisdiction [see #30], will be granted. Plaintiff's remedy, if he has one, must be pursued in the courts of the District of Columbia.

JAMES ROBERTSON  
United States District Judge