

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY - 8 2009

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Sheliah Hester,

Plaintiff,

v.

Everest College,

Defendant.

Civil Action No. **09 0858**

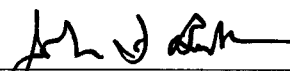
MEMORANDUM OPINION

This matter is before the Court on plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant plaintiff's application and dismiss the complaint for lack of subject matter jurisdiction.

The subject matter jurisdiction of the federal district courts is limited and is set forth generally at 28 U.S.C. §§ 1331 and 1332. Under those statutes, federal jurisdiction is available only when a "federal question" is presented or the parties are of diverse citizenship and the amount in controversy exceeds \$75,000. A party seeking relief in the district court must at least plead facts that bring the suit within the court's jurisdiction. *See* Fed. R. Civ. P. 8(a). Failure to plead such facts warrants dismissal of the action. *See* Fed. R. Civ. P. 12(h)(3).

Plaintiff, a resident of the District of Columbia, sues a school in McLean, Virginia, for breach of contract. The complaint neither presents a federal question nor provides a basis for diversity jurisdiction inasmuch as plaintiff has not pleaded any amount of monetary damages. Accordingly, the complaint will be dismissed.¹ A separate Order accompanies this Memorandum Opinion.

Date: April 28, 2009


United States District Judge

¹ Presumably, plaintiff can seek redress in the appropriate state court in Virginia.