

FRED PLUMMER,

Plaintiff,

v.

MAYOR, DISTRICT OF COLUMBIA *et al.*,

Defendants.

Plaintiff Fred Plummer, while incarcerated in the District of Columbia jail, filed this *pro se* complaint proceeding *in forma pauperis*. Statute obligates a district court to screen cases filed by prisoners proceeding *in forma pauperis*. 28 U.S.C. § 1915A. In accord with that review, this complaint will be dismissed for lack of federal jurisdiction.

Unlike state courts of general jurisdiction, federal district courts have limited jurisdiction. Here, the plaintiff has not asserted federal jurisdiction as required by Rule 8 of the Federal Rules of Civil Procedure, and none is apparent. A federal district court has jurisdiction in civil actions arising under the Constitution, laws or treaties of the United States. *See* 28 U.S.C. § 1331. Here,

however, the plaintiff asserts only a negligence claim, which arises under common law, not under federal law. A federal district court also has jurisdiction over civil actions in matters where the controversy exceeds \$75,000 and is between citizens of different states. *See* 28 C.F.R. §1332(a). But here it appears that both parties are citizens of the District of Columbia. Accordingly, the Court will dismiss the complaint, without prejudice, for lack of subject matter jurisdiction.

An Order consistent with this Memorandum Opinion is separately and contemporaneously filed this 26th day of August, 2008.

RICARDO M. URBINA
United States District Judge