

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAR 17 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Wayne Anthony Riley,

Plaintiff,

v.

The Mayor *et al.*,

Defendants.

Civil Action No. 08 0450

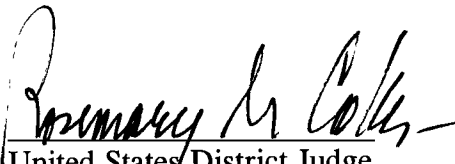
MEMORANDUM OPINION

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 is an inmate at the District of Columbia Jail suing the District of Columbia and entities or employees thereof for negligence. The complaint presents neither a federal question nor a basis for diversity jurisdiction. Accordingly, the complaint will be dismissed by separate Order issued contemporaneously.¹

Date: March 12, 2008


United States District Judge

¹ Presumably, plaintiff may pursue his claim in the Superior Court of the District of Columbia.