

**Clerk, U.S. District and  
Bankruptcy Courts**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

David E. Henderson,

Plaintiff,

v.

Dr. Michael Annabi *et al.*,

**Defendants.**

Civil Action No.

08 0794

## 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 immediate dismissal of the action. Fed. R. Civ. P. 12(h)(3).

Plaintiff, a resident of El Paso, Texas, sues a medical doctor and a medical center in El Paso, Texas, for allegedly withholding his medical records. Plaintiff also appears to claim that the medical records that he has received have been falsified to conceal his alleged stroke. He seeks \$10.8 billion in monetary damages. The complaint does not allege a violation of either the Constitution or federal law nor does it provide a basis for diversity jurisdiction inasmuch as plaintiff and the defendants reside in Texas. Accordingly, the complaint will be dismissed by separate Order issued contemporaneously.

Date: April 29, 2008

*Wayne C. Shuttle*  
United States District Judge