## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

FILED
SEP 1 1 2008

	- 2000
Jerry E. Robertson,	) NANCY MAYER WHITTINGTON, CLERI U.S. DISTRICT COURT
Plaintiff,	)
v.	) Civil Action No. 08-1392
Judge Toni Stringer,	)
Defendant.	)

## **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, an inmate in Louisville, Kentucky, sues a judge located there for \$55,000. The complaint presents neither a federal question nor a basis for diversity jurisdiction inasmuch as both parties are from Kentucky and the amount in controversy is below \$75,000. Accordingly, the complaint will be dismissed by separate Order issued contemporaneously.

Date: September 4<sup>th</sup>, 2008

United States District Judge

Mulohets