

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

DEC 23 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Ann Powers,

Plaintiff,

v.

State of Massachusetts,

Defendant.

Civil Action No. 08 2221

MEMORANDUM OPINION

This matter comes before the Court on consideration of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant the application, and dismiss the complaint.

The complaint states that plaintiff observed oil on the Charles River, that this “is a big claim,” and that plaintiff hopes to use the proceeds of the claim “to finish her studies at Harvard Medical School in Massachusetts.” (Compl. at 2-3.) The complaint further states that plaintiff “at least needs her disability — social security disability to go through.” (*Id.* at 4.)

Federal district courts have jurisdiction in civil actions arising under the Constitution, laws or treaties of the United States. *See* 28 U.S.C. § 1331. Here, however, the complaint does not explicitly identify a basis for this Court’s jurisdiction and does not identify a claim arising under the laws of the United States or otherwise provide sufficient information for the Court to discern a basis for its jurisdiction. Federal district courts also have jurisdiction over certain civil actions in which the parties are of diverse citizenship. *See* 28 U.S.C. § 1332(a). But federal diversity jurisdiction does not encompass actions where, as here, the defendant is itself a state.

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Accordingly, the Court will dismiss the complaint without prejudice for lack of subject matter jurisdiction. An appropriate order accompanies this memorandum opinion.

Date: 12/9/08


United States District Judge