

MAR 26 2009

**NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT**

William Carson Thomas.

Plaintiff,

Y.

Oil City Police,

Defendant.

Civil Action No.

09 0573

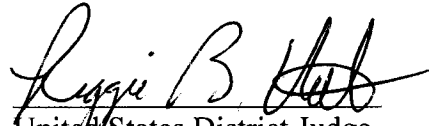
This matter is before the Court on plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant plaintiff's application and dismiss the complaint for lack of subject matter jurisdiction.

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 confined in Bellefonte, Pennsylvania. He sues the Oil City Police Department located in Oil City, Pennsylvania, for alleged unlawful arrest and false imprisonment. 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 there is no indication that the parties are of diverse citizenship and the plaintiff has not demanded any amount of monetary damages.

Accordingly, the complaint will be dismissed. A separate Order accompanies this Memorandum Opinion.

Date: March 16, 2009

  
United States District Judge