

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

JUN 29 2009

Clerk, U.S. District and  
Bankruptcy Courts

Julia Miller,

Plaintiff,

v.

The Hawaii Self Storage *et al.*,

Defendants.

Civil Action No.

**09 1184**

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 a resident of Honolulu, Hawaii. She sues three defendants, two of which are located in Hawaii, for items allegedly stolen from her storage facility in Pearl City, Hawaii. 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 two of the defendants reside in the same state – thereby defeating the requirement of diverse citizenship – and the plaintiff has

(K)

not demanded any amount of monetary damages. The complaint therefore will be dismissed by separate Order accompanying this Memorandum Opinion.

Date: June 23, 2009

  
\_\_\_\_\_  
United States District Judge