

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

SEP 16 2009

Clerk, U.S. District and
Bankruptcy Courts

David Kissi,)
)
Plaintiff,)
)
v.)
)
Milton Morris *et al.*,)
)
Defendants.)

Civil Action No.

09 1756

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, a District of Columbia resident, sues two defendants also residing or based in the District of Columbia. The complaint neither presents a federal question nor provides a basis for diversity jurisdiction because the parties are not of diverse citizenship. Accordingly, the complaint will be dismissed.¹ A separate Order accompanies this Memorandum Opinion.

Date: September 8, 2009


United States District Judge

¹ Presumably, plaintiff may seek redress in the Superior Court of the District of Columbia.

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