

**FILED**

**MAY 18 2010**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

**Sheldon L. Curtis,**

**Plaintiff,**

**v.**

**AFSCME Local 626,**

**Defendant.**

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**Civil Action No.**

**10 0822**

**MEMORANDUM OPINION**

This matter comes before the Court on consideration of plaintiff's pro se complaint and application to proceed without prepayment of fees. The Court will grant the application and will dismiss the complaint for lack of subject matter jurisdiction.

The complaint in this case asserts that the defendant labor union breached its duty to represent the plaintiff in a labor dispute between the plaintiff and his employer. *See* Compl. at 15 (“It is my belief that had the Union adequately represented me when things began to get bad I would never have been in the position to receive a proposal to terminate letter, they failed to file grievances and ULP’s on numerous occasions.”).

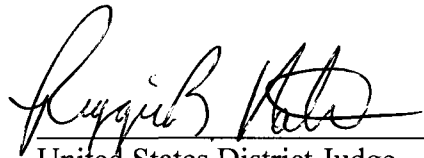
Unlike state courts of general jurisdiction, federal district courts have limited jurisdiction. A federal district court has jurisdiction in civil actions arising under the Constitution, laws or treaties of the United States. *See* 28 U.S.C. § 1331. A claim for breach of duty is a claim based on common law, not based on federal law. Thus, this Court does not have jurisdiction over this claim pursuant to 28 U.S.C. § 1331.

A federal district court also has jurisdiction over civil actions in matters where the controversy exceeds \$75,000 and where there is complete diversity of citizenship among the

parties. *See* 28 U.S.C. § 1332(a). Here, the plaintiff makes a demand for \$600,000 in damages, but it appears that both the plaintiff and the defendant are citizens of the District of Columbia. Therefore, complete diversity of citizenship among the parties is lacking, leaving this Court without jurisdiction over this claim pursuant to 28 U.S.C. § 1332(a).

As the Court perceives no basis for jurisdiction over this matter, it will dismiss the complaint, without prejudice, for lack of subject matter jurisdiction. A separate order accompanies this memorandum opinion.

Date: *April 14, 2010*

  
United States District Judge