

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
DEC 30 2010
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

_____)	
Jose G. Apollo Sr.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	10 2336
Gerard R. Kelly <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

MEMORANDUM OPINION

This matter is before the Court on plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted and the case will be dismissed 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 homeless individual in the District of Columbia, sues the Chief Executive Officer of a business located in Perry Point, Maryland, and a building resident manager in the District of Columbia for the value of his personal property allegedly stolen by the resident manager. He seeks \$5,586.95 in damages. Compl. at 6. The complaint neither presents a federal

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question nor provides a basis for diversity jurisdiction because the plaintiff and one of the defendants are located in the District and the amount in controversy is well below the \$75,000 minimum. A separate Order of dismissal accompanies this Memorandum Opinion.



United States District Judge

Date: December 22, 2010