

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

OCT 17 2011

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

Tyrone Julius,

Plaintiff,

v.

Ms. Branch,

Defendant.

Civil Action No.

11 1824

MEMORANDUM OPINION

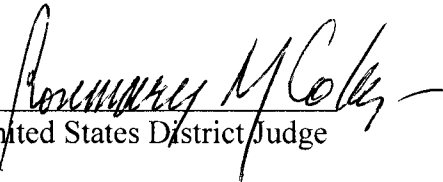
This matter is before the Court on plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant plaintiff's application and dismiss the complaint for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (requiring the court to dismiss an action "at any time" it determines that subject matter jurisdiction is wanting).

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).

Plaintiff, a District of Columbia resident, apparently is suing a branch of TD Bank in the District of Columbia for damages exceeding \$999 million. He appears to claim that his SmarTrip card is missing \$20. The cryptic complaint neither presents a federal question nor provides a basis for diversity jurisdiction because the parties are not of diverse citizenship and plaintiff's monetary demand is incredibly out of proportion to the alleged injury and the minimal jurisdictional amount. *See Jumara v. State Farm Ins. Co.*, 555F.3d 873, 877 (3d Cir. 1995) ("The allegations on the face of the complaint control the amount in controversy unless it appears

" 'to a legal certainty the claim is really for less than the jurisdictional amount . . . ' " (quoting *Horton v. Liberty Mut. Ins. Co.*, 367 U.S. 348, 353 (1961)) (other citation omitted). A separate Order of dismissal accompanies this Memorandum Opinion.

DATE: October 13, 2011


United States District Judge