

FILED

MAR 29 2012

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

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

GREGORY JOEL SITZMANN,

Plaintiff,

v.

THOMAS ABBENANTE,

Defendant.

Civil Action No.

12 0488

MEMORANDUM OPINION

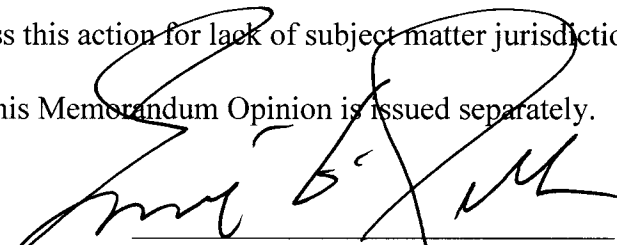
The plaintiff has filed an application to proceed *in forma pauperis* and a *pro se* "Complaint for Malpractice" against the attorney appointed to represent him in a criminal matter now pending in this Court. Compl. ¶ 1; *see United States v. Sitzmann*, No. 08-cr-0242 (PLF) (D.D.C. filed Aug. 7, 2008). The application will be granted, and the complaint will be dismissed.

Federal district courts have jurisdiction in civil actions arising under the Constitution, laws or treaties of the United States. *See* 28 U.S.C. § 1331. In addition, federal district courts have jurisdiction over civil actions where the matter in controversy exceeds \$75,000, and the suit is between citizens of different states. *See* 28 U.S.C. § 1332(a). This complaint sets forth a negligence claim, and does not establish federal question jurisdiction. Both parties are located in the District of Columbia. Notwithstanding the plaintiff's demand for damages of \$100,000, *see* Compl. at 4 (page number designated by the Court), diversity of citizenship is not present. Accordingly, the Court will dismiss this action for lack of subject matter jurisdiction.

An Order consistent with this Memorandum Opinion is issued separately.

DATE:

3/27/12


United States District Judge