

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUN 11 2012

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

Maurice Ceasar,

Plaintiff,

v.

Carnegie Institute/Theatre *et al.*,

Defendants.

Civil Action No.

12 0959

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 is an inmate at the District of Columbia Jail. He sues a private entity in the District of Columbia, its receptionist whom he does not name, and eight unnamed contract painters purportedly under 42 U.S.C. § 1983 "for Deprivation-Criminal Assault With Reckless Intent, Assaults to Cause Bodily Harm (Also) Violation of Due Process of Law, Abuse of Authority." Compl. at 1. Plaintiff seeks equitable relief and \$500,000 in damages. *Id.* at 18.

The complaint does not present a federal question because § 1983 applies only to “person[s] who [act], under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia,” which is not pleaded here.¹ The complaint does not assert or plead facts reflecting diversity jurisdiction. A separate Order of dismissal accompanies this Memorandum Opinion.


United States District Judge

Date: May 21, 2012

¹ Judicial notice is taken of the fact that the address plaintiff has listed for the defendants is that of the Carnegie Institution for Science, which is not a governmental entity. See <http://carnegiescience.edu>.