

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

OCT 29 2014

**Clerk, U.S. District and
Bankruptcy Courts**

Charles Simmons,

Plaintiff,

v.

Washington Metropolitan Orthopedic,

Defendant.

Civil Action No.

14-1815 UNA

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 the plaintiff's application and dismiss the complaint for lack of subject matter jurisdiction.

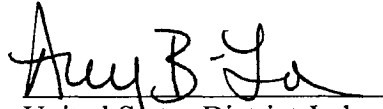
The subject matter jurisdiction of the federal district courts is limited and is set forth generally at 28 U.S.C. §§ 1331 and 1332. Under those statutes, federal jurisdiction is available only when a "federal question" is presented or the parties are of diverse citizenship and the amount in controversy 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 a District of Columbia resident suing a medical facility in Oxon Hill, Maryland. *See* Compl. Caption. He alleges that defendant performed a total hip replacement in April 2013, but has refused his request for his x-rays "so he can move forward in getting the [corrective] surgery" he needs to alleviate his pain and suffering. Compl. at 1-2. Plaintiff seeks an order to compel the defendant to provide his x-rays.

N

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The complaint does not present a federal question, and plaintiff does not seek money damages. Hence, this case will be dismissed without prejudice for want of subject matter jurisdiction.¹ A separate Order accompanies this Memorandum Opinion.


United States District Judge

DATE: October 27, 2014

¹ Plaintiff's recourse may lie in a court in the State of Maryland capable of exercising personal jurisdiction over the Maryland-based defendant.