

FILED

APR 20 2015

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Dwayne L. Day,

Plaintiff,

v.

Ohio,

Defendant.

Case: 1:15-cv-00597

Assigned To : Unassigned

Assign. Date : 4/20/2015

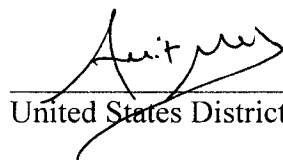
Description: Pro Se Gen. Civil (F Deck)

MEMORANDUM OPINION

Upon review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*, the Court will grant the 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).

Plaintiff, a resident of Columbus, Ohio, sues the State of Ohio for "malice liability & mental anguish." Compl. at 1. The Eleventh Amendment to the U.S. Constitution immunizes a state from suit in federal court, unless immunity is waived.¹ This amendment applies to suits brought by citizens against their own states. *Edelman v. Jordan*, 415 U.S. 651, 662-63 (1974) (citing *Hans v. Louisiana*, 134 U.S. 1 (1890)) (other citations omitted). The cryptic complaint contains no suggestion of waiver and, thus, will be dismissed. A separate Order accompanies this Memorandum Opinion.

Date: April 17, 2015


United States District Judge

¹ The amendment provides in pertinent part: "[t]he judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State." U.S. Const. amend. XI.