

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

APR - 6 2016

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

MarQuell Alonzo Derrington,

Plaintiff,

v.

D.C. DOC,

Defendant.

Case: 1:16-cv-00648

Assigned To : Unassigned

Assign. Date : 4/6/2016

Description: Pro Se Gen. Civil

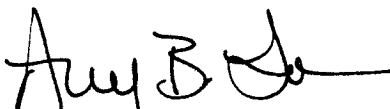
MEMORANDUM OPINION

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 an inmate at the District of Columbia Jail. He seeks compensation from the D.C. Department of Corrections for alleged injuries he suffered when he "attempt[ed] to get down from the top bunk" in his cell. Compl. at 6. Plaintiff alleges that he "slipped and split the left side of [his] face open above [his] left eye on the desk top that is usually and commonly used by inmates to get down from the top bunk since there are no stools or ladders[.]" *Id.* Although

plaintiff has utilized the form complaint for bringing a claim under 42 U.S.C. § 1983, the alleged facts do not present a federal question. Furthermore, the D.C. Department of Corrections is a non-suable entity, and the District of Columbia “like the fifty states, is not subject to diversity jurisdiction.” *Long v. District of Columbia*, 820 F. 2d 409, 414 (D.C. Cir. 1987). Plaintiff’s recourse lies, if at all, in the Superior Court of the District of Columbia. Hence, this case will be dismissed without prejudice.


United States District Judge

DATE: March 30, 2016