UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

MARIANNE LISENKO,)
Plaintiff,) Case: 1:16-cv-02385 Assigned To : Unassigned Assign. Date : 12/7/2016
V.	
DISTRICT OF COLUMBIA BOARD	Description: Pro Se Gen. Civil (F Deck)
OF ELECTIONS,)
)
Defendant.)

MEMORANDUM OPINION

This matter comes before the court on review of the plaintiff's application to proceed *in* forma pauperis and her pro se civil complaint. The plaintiff alleges that she "had attempted to obtain an Observers' card at the DC Board of Elections office [and] was denied a card[.]" Compl. at 1 ¶ 1. She seeks an order directing the Board of Elections and Ethics to issue an observer card "and that any other observer-facilitating order be given." *Id.* at 2.

"Federal district courts are courts of limited jurisdiction," and "it is to be presumed that a cause lies outside this limited jurisdiction." *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994) (citations omitted). The plaintiff therefore bears the initial burden of establishing by a preponderance of the evidence that the Court has subject matter jurisdiction over her claim. *Id.*; *see Citizens for Responsibility and Ethics in Wash. v. U.S. Dep't of Homeland Sec.*, 527 F. Supp. 2d 101, 104 (D.D.C. 2007).

This Court has jurisdiction in civil actions raising a federal question, that is, a claim arising under the Constitution, laws or treaties of the United States. *See* 28 U.S.C. § 1331. In addition, this Court has diversity jurisdiction where the matter in controversy exceeds \$75,000,

and the suit is between citizens of different states. *See* 28 U.S.C. § 1332(a). Here, the complaint fails to mention the Court's subject matter jurisdiction, and for this reason, the plaintiff fails to meet her burden. Accordingly, the Court will grant the plaintiff's application to proceed *in forma pauperis* and dismiss the complaint without prejudice for lack of subject matter jurisdiction.

An Order consistent with this Memorandum Opinion is issued separately.

DATE: Dec. 2, 2016

United States District Judge