

FILED

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Francisco Montes, Jr.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 19-285 (UNA)
)	
Washington Metropolitan Area)	
Transit Authority,)	
)	
Defendant.)	

MEMORANDUM OPINION

This matter is before the Court on plaintiff's *pro se* complaint and application to proceed *in forma pauperis* (IFP). The Court will grant the IFP 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. "For jurisdiction to exist under 28 U.S.C. § 1332, there must be complete diversity between the parties, which is to say that the plaintiff may not be a citizen of the same state as any defendant." *Bush v. Butler*, 521 F. Supp. 2d 63, 71 (D.D.C. 2007) (citing *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 373-74 (1978)). 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, a District of Columbia resident, has sued the Washington Metropolitan Area Transit Authority (“WMATA”) for negligence stemming from a traffic accident in the District’s northwest quadrant. WMATA “was created by an interstate compact entered into by the District of Columbia and the states of Maryland and Virginia.” *Watters v. WMATA*, 295 F.3d 36, 39 (D.C. Cir. 2002). As “an instrumentality of those states,” WMATA, like the states themselves, is not subject to diversity jurisdiction. *Machie v. Chandonnet*, 140 F. Supp. 3d 4, 9 (D.D.C. 2015) (citations omitted). Therefore, this case will be dismissed. A separate order accompanies this Memorandum Opinion.


United States District Judge

Date: February 19, 2019