UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KEVIN FENNICK,

Plaintiff,

UNITED STATES HOUSE OF REPRESENTATIVES, *et al.*,

Defendants.

Civ. No. 19-0899 (UNA)

MEMORANDUM OPINION

This matter is before the Court on consideration of the plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. The Court grants the application and dismisses the complaint without prejudice.

Notwithstanding mention of the United States House of Representatives in the caption, the complaint itself does not "contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face'" as against the House of Representatives. *Ashcroft v. Iqbal,* 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). The Court, therefore, dismisses the House of Representatives as a party defendant.

Federal district courts have jurisdiction in civil actions arising under the Constitution, laws or treaties of the United States. *See* 28 U.S.C. § 1331. In addition, federal district courts have jurisdiction over civil actions where the matter in controversy exceeds $75,000, and the suit is between citizens of different states. *See* 28 U.S.C. § 1332(a). The complaint does not appear state a claim against the Commonwealth of Massachusetts arising under the United States Constitution or federal law and, therefore, the plaintiff does not demonstrate federal question jurisdiction. Although the plaintiff's

demand for monetary damages exceeds $75,000, because the remaining parties both citizens of the Massachusetts, the plaintiff fails to establish diversity jurisdiction.

Accordingly, the Court will grant the plaintiff's application to proceed *in forma pauperis* and will dismiss the complaint for lack of subject matter jurisdiction. An Order consistent with this Memorandum Opinion is issued separately.

DATE: April 16, 2019

United States District Judge