

FILED

APR 30 2019

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

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SAMUEL T. DEMISSE,

Plaintiff,

v.

CATHOLIC CHARITIES,

Defendant.

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Civil Action No.: 1:19-cv-01053 (UNA)

MEMORANDUM OPINION

This matter is before the Court on its initial review of plaintiff's *pro se* complaint ("Compl.") and application for leave to proceed *in forma pauperis* ("IFP"). The Court will grant the IFP application and dismiss the case for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (requiring the court to dismiss an action "at any time" if it determines that the subject matter jurisdiction is wanting).

Plaintiff, a resident of Washington, D.C., sues Catholic Charities (Archdiocese of Washington), also located in Washington, D.C. Plaintiff alleges that he was staying at homeless shelter run by defendant and that he suffered: negligence, infliction of emotional distress, harassment, and violation of unspecified civil rights. Plaintiff then describes several altercations and disagreements that have occurred during his time at the shelter.

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).

While plaintiff generally mentions “discrimination” and violation of his “civil right,” he fails to actually allege any facts presenting a federal question. He also fails to satisfy the burden to establish diversity jurisdiction. Therefore, this case will be dismissed for want of subject matter jurisdiction. A separate Order accompanies this Memorandum Opinion.

Date: April 29, 2019



United States District Judge