

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Mohsen Khoshmood,	
Plaintiff,	
V.) Civil Action No. 19-3482 (UNA)
U.S. State Department,)
Defendant.	

MEMORANDUM OPINION

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

"Federal courts are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute," and it is "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). Under the doctrine of sovereign immunity, the United States may be sued only upon consent, which must be clear and unequivocal. *United States v. Mitchell*, 445 U.S. 535, 538 (1980) (citation omitted). A waiver of sovereign immunity "must be unequivocally expressed in statutory text, and [it cannot] be implied." *Lane v. Pena*, 518 U.S. 187, 192 (1996) (citations omitted). 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.

In this action captioned "Complaint to Require Performance of a Contract to Convey Real Property (28 U.S.C. § 1332; Diversity of Citizenship)," plaintiff, a District of Columbia resident, sues the U.S. Department of State. He seeks specific performance and \$305 million in damages. Compl. ¶ IV. The diversity statute does not apply to the United States. *See General Ry. Signal Co. v. Corcoran*, 921 F.2d 700, 703 (7th Cir. 1991) ("the United States is not a citizen for diversity purposes . . . and . . . agencies of the United States likewise cannot be sued in diversity") (citing cases)). Plaintiff has not adequately pled any other basis of federal court jurisdiction. Therefore, this case will be dismissed. A separate order accompanies this Memorandum Opinion.

United States District Judge