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Clerk, U.S. District and
Bankruptcy Courts

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

Joan Francis Mary Malone,)
)
 Plaintiff,)
)
 v.)
)
 District of Columbia Housing Authority,)
)
 Defendant.)

Civil Action No. 09 2185

MEMORANDUM OPINION

This matter comes before the Court on consideration of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant the application, and dismiss the complaint.

Unlike state courts of general jurisdiction, federal district courts have limited jurisdiction. A federal district court has jurisdiction in civil actions arising under the Constitution, laws or treaties of the United States. *See* 28 U.S.C. § 1331. Here, however, the complaint asserts claims or facts supporting claims for common law torts including, among other things, harassment, libel, slander, trespass, breach of contract, negligence, and destruction of property. Although the opening paragraph of the complaint describes it as one for "discrimination," there are no facts alleging or otherwise stating or implying that the plaintiff is a member of a protected group or that any defendant has acted on the basis of discriminatory animus. Therefore, the Court is unable to discern a basis for jurisdiction under § 1331.

A federal district court also has jurisdiction over civil actions in matters where the controversy exceeds \$75,000 and is between citizens of different states. *See* 28 C.F.R. §1332(a).

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But here it appears that both plaintiff and defendants are citizens of the District of Columbia.

Therefore, there is also no federal court jurisdiction under § 1332(a).

Accordingly, the Court will dismiss the complaint without prejudice for lack of subject matter jurisdiction. A separate order accompanies this memorandum opinion.

Date: 10/29/09


United States District Judge