UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MORTON COLLINS, et al,	)	CASE NO. 5:16cv759
	)	
	)	
PLAINTIFFS,	)	JUDGE SARA LIOI
	)	
vs.	)	
	)	MEMORANDUM OPINION
	)	AND ORDER
FORD MOTOR CREDIT, et al,	)	
	)	
	)	
DEFENDANTS.	)	

On March 28, 2016, *pro se* plaintiffs Morton Collins and Kim Collins filed this 42 U.S.C. § 1983 action against defendants Ford Motor Credit, Mazda American Credit, Montrose Mazda of Kent ("Montrose"), and Harold Thomas. Plaintiffs allege in the complaint that Kim Collins purchased a 2006 Milan at Montrose with which she became dissatisfied. Defendants allegedly agreed to apply payments already made on the Milan to the purchase of a 2007 Mazda. Plaintiffs allege the agreement was not honored, and seek a total of $12,000 in damages.

Plaintiffs previously brought a similar action pursuant to 42 U.S.C. § 1983 based upon the same transaction alleged in this case. *See Collins v. Ford Motor Credit, et al.*, N.D. Oh. Case No. 5:12 CV 2677. That action was dismissed for lack of subject matter jurisdiction because plaintiffs failed set forth a cognizable § 1983 claim.

In this case, plaintiffs' complaint again fails to set forth a cognizable § 1983 claim because the plaintiffs do not allege any facts to support a determination that they were

deprived of a right secured by the Constitution or the laws of the United States, and that the deprivation was caused by a person acting under color of state law. Because there is no statutory basis for federal question jurisdiction set forth, and no suggestion of diversity of citizenship of the parties, the Court lacks subject matter jurisdiction. This case is therefore appropriately subject to summary dismissal. *Thomas v. Nationwide Ins. Co.*, No. 1:08CV506, 2008 WL 1995351, at *1 (N.D. Ohio May 5, 2008) (citing *Lowe v. Huffstutler*, No. 89-5996, 1990 WL 66822 (6th Cir. May 21, 1990)).

For the reasons set forth herein, this action is dismissed.

IT IS SO ORDERED.

Dated: April 27, 2016

HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE