

Neitzke v. Williams, 490 U.S. 319, 327, 109 S.Ct. 1827, 1833, 104 L.Ed.2d 338 (1989). “To the extent that a complaint filed *in forma pauperis* which fails to state a claim lacks even an arguable basis in law, Rule 12(b)(6) and § 1915(d) both counsel dismissal.” *Id.*

Plaintiff has failed to set forth any basis for federal jurisdiction. Pursuant to Fed. R. Civ. P. 8(a), plaintiff must set forth the grounds for this court’s jurisdiction and a statement of the claim showing that plaintiff is entitled to relief. “Though pro se complaints are to be construed liberally . . .they still must allege sufficient facts to support the claims advanced.” Stone v. Harry, 364 F.3d 912, 914 (8th Cir. 2004). Although he has set forth his claims, he has set forth no arguable basis for federal jurisdiction and has set forth no federal causes of action.

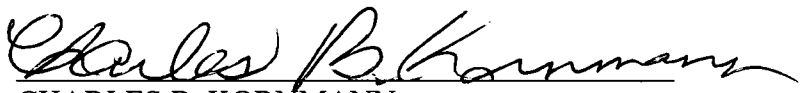
I find that plaintiff has failed to sufficiently set forth a federal claim or otherwise show that federal jurisdiction exists as to his claims. Therefore, his request to proceed pursuant to 28 U.S.C. § 1915 should be denied. Pursuant to Neitzke v. Williams, 490 U.S. 319, 327, 109 S.Ct. 1827, 1833, 104 L.Ed.2d 338 (1989), and 128 U.S.C. § 1915(d), this matter should be dismissed.

Now, therefore,

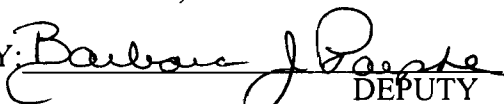
IT IS ORDERED that the application, Doc. 2, to proceed without the prepayment of fees is denied. This matter is dismissed without prejudice to reinstitute plaintiff’s claims upon payment of the statutory filing fee.

Dated this 30th day of September, 2009.

BY THE COURT:


CHARLES B. KORNMANN
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: 
DEPUTY
(SEAL)