

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

ANGELA DENISE NAILS,)	
)	
Plaintiff,)	
)	
v.)	CASE NO.: 1:06-cv-799-WKW
)	
MARCUSE STEENSLAND,)	(WO)
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

This action is presently before the Court on Plaintiff's motion to proceed *in forma pauperis*.

(Doc. # 2.) It is ORDERED that the motion is GRANTED.

However, upon thorough review of the complaint filed in this case, the Court concludes that dismissal of this case is appropriate under Federal Rule of Civil Procedure 12(h)(3).¹

On September 6, 2006, the plaintiff, appearing *pro se*, filed a "Complaint of Negligence" in which she seeks \$400,000 from Houston County Judge Marcus Steensland² for her eight-day incarceration in the Dothan County Jail. (Doc. # 1.) The plaintiff fails to set forth any ground which establishes jurisdiction in a federal court over such a complaint. *See* Fed. R. Civ. P. 8(a)(1).³ Moreover, this Court is unable to surmise any basis on which the plaintiff could invoke the

¹ The Federal Rules of Civil Procedure provide, in pertinent part: "Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action." Fed. R. Civ. P. 12(h)(3).

² The Court notes that the plaintiff incorrectly spelled "Marcus" in the caption of this case.

³ Under Rule 8(a)(1) of the Federal Rules of Civil Procedure, the plaintiff is required to allege in her complaint "a short and plain statement of the grounds upon which the court's jurisdiction depends." Indeed, a federal court's jurisdiction must be established by a plaintiff in the complaint by stating the basis of the court's jurisdiction and by pleading facts that demonstrate the existence of jurisdiction. *Taylor v. Appleton*, 30 F.3d 1365, 1367 (11th Cir. 1994).

jurisdiction of a federal court to consider the subject matter of the instant complaint. The Court therefore concludes that this case is due to be dismissed for want of jurisdiction in accordance with the provisions of Federal Rule of Civil Procedure 12(h)(3). Accordingly, it is hereby

ORDERED that this case is DISMISSED WITHOUT PREJUDICE for want of subject matter jurisdiction.

An appropriate judgment shall be entered.

DONE the 11th day of September, 2006.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE