



and “you can understand more clearer.” (Amended Complaint, at 1.) Carlton also asks, “If the court let a man down who will hold him up?” (*Id.*) But all of these comments miss the point. The Court has no opinion at this time as to whether Carlton “has a case” against the Mobile County Commission. The Court makes no findings that the Commission has behaved lawfully, or unlawfully, pursuant to a mistake or some intentional wrongdoing, in its alleged dealings with Carlton. What the Court does find is that Carlton has failed to make a required showing of why this lawsuit can properly be brought in federal court. If the plaintiff does not show that subject matter jurisdiction exists, then this Court never reaches the question of whether the plaintiff has a valid claim or not. Instead, it must dismiss the case. *See Morrison v. Allstate Indemnity Co.*, 228 F.3d 1255, 1261 (11<sup>th</sup> Cir. 2000) (when subject matter jurisdiction is deemed lacking, “the court’s sole remaining act is to dismiss the case for lack of jurisdiction”).

In the March 16 Order, the Court took pains to inform Carlton that his Amended Complaint must show why federal jurisdiction over this matter is proper. Carlton’s Amended Complaint does not do so. His Amended Complaint therefore violates Rule 8(a)(1) of the Federal Rules of Civil Procedure, which is binding on Carlton even though he is proceeding without counsel. *See Moon v. Newsome*, 863 F.2d 835, 837 (11<sup>th</sup> Cir. 1989) (a *pro se* litigant “is subject to the relevant law and rules of court including the Federal Rules of Civil Procedure”). Because the Amended Complaint is legally insufficient and because Carlton has squandered an opportunity to correct the defect, this action is hereby **dismissed without prejudice**. A separate Judgment will enter.<sup>1</sup>

The Clerk’s Office is directed to send copies of the Order and Judgment to defendant Mobile County Commission at the service address furnished by Carlton, to-wit: 109 Government Street, Mobile, AL 36633.

---

<sup>1</sup> To be clear, the Court’s ruling is not that plaintiff is not entitled to proceed in any forum, but is rather that he simply has not shown any reasonable basis to proceed in this forum. The Court expresses no opinion as to whether Carlton may be able to pursue his claims against the Commission in state court, nor can this Court offer legal advice to plaintiff as to how to plead or where to file his lawsuit. Once again, Carlton is strongly encouraged to consult with counsel and obtain legal advice before taking further action.

DONE and ORDERED this 22<sup>nd</sup> day of March, 2006.

s/ WILLIAM H. STEELE  
UNITED STATES DISTRICT JUDGE