

**IN THE UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

DUKE ALEXANDER

PLAINTIFF

v.

No. 4:07-CV-00018-WRW

**JOHN COLLINS ROGERS and
WILLIAM WATT**

DEFENDANTS

ORDER

Pending is Plaintiff's Motion to Proceed *In Forma Pauperis* (Doc. No. 1) and Motion to Appoint Counsel (Doc. No. 3).

A question of subject-matter jurisdiction may be raised *sua sponte* at any time.¹ "Whenever it appears . . . that the court lacks jurisdiction of the subject matter, the court shall dismiss the action."² After reviewing the complaint, it is clear that this Court lacks subject matter jurisdiction -- although Plaintiff speaks of a "Federal Court Order," his allegations involve a state court order.

Accordingly, Plaintiff's Motion to Proceed *In Forma Pauperis* and Motion to Appoint Counsel are DENIED and this case is DISMISSED for lack of jurisdiction.

IT IS SO ORDERED this 22nd day of January, 2007.

/s/ Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹*Bueford v. Resolution Trust Corp.*, 991 F.2d 481, 485 (8th Cir. 1993).

²Fed. R. Civ. P. 12(h)(3).