

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

JOSCELYNE SIMS, Individually and on  
Behalf of the Minor Children Juanicia  
D. Causey, Laresia Causey, Johnesia Sims,  
and Johniah Sims

PLAINTIFF

v.

No. 4:10CV00759 JLH

OAKLEY TRUCKING and FRANK A. MOORING

DEFENDANTS

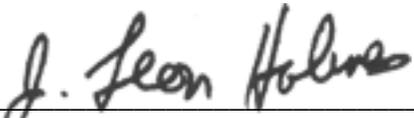
**ORDER**

Oakley Trucking Company has filed a motion to dismiss this action in part because the Court lacks subject matter jurisdiction. The complaint arises out of a motor vehicle accident that occurred on July 2, 2007. The complaint does not allege a basis for federal question jurisdiction under 28 U.S.C. § 1331, nor does the complaint allege that the parties are citizens of different states. Indeed, the complaint alleges that the plaintiff and Frank A. Mooring, who is one of the defendants, both reside in Louisiana.

The Federal Rules of Civil Procedure require that a complaint include a short and plain statement of the grounds for the court's jurisdiction. Fed. R. Civ. P. 8(a). "Thus the facts providing the court jurisdiction must be affirmatively alleged in the complaint." *Pinkley, Inc. v. City of Frederick, Md.*, 191 F.3d 394, 399 (4th Cir. 1999), citing *McNutt v. General Motors Acceptance Corp.*, 298 U.S. 178, 56 S. Ct. 780, 80 L. Ed. 1135 (1936) (holding that the party seeking the exercise of jurisdiction in his favor must allege in a pleading the facts essential to show jurisdiction).

Because the complaint in this case does not allege facts sufficient to show that the Court has jurisdiction, Oakley Trucking's motion to dismiss is granted. Document #7. The complaint is dismissed without prejudice.

IT IS SO ORDERED this 3rd day of January, 2011.

  
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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE