

FILED

DEC - 3 2009

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Clerk, U.S. District and
Bankruptcy Courts

Earl Lee Grace,)
)
Plaintiff,)
)
v.)
)
Robert Minissale,)
)
Defendant.)

Civil Action No. **09 2323**

MEMORANDUM OPINION

This matter is before the Court on plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant plaintiff's application and dismiss the complaint for lack of subject matter jurisdiction.

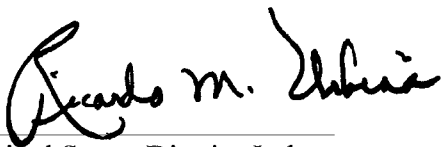
The subject matter jurisdiction of the federal district courts is limited and is set forth generally at 28 U.S.C. §§ 1331 and 1332. Under those statutes, federal jurisdiction is available only when a "federal question" is presented or the parties are of diverse citizenship and the amount in controversy exceeds \$75,000. A party seeking relief in the district court must at least plead facts that bring the suit within the court's jurisdiction. *See* Fed. R. Civ. P. 8(a). Failure to plead such facts warrants dismissal of the action. *See* Fed. R. Civ. P. 12(h)(3).

Plaintiff, a resident of Georgetown, Maryland, sues a resident or individual doing business in Georgetown, Maryland, for fraud arising from the sale of land. He seeks \$60,000 in damages. The complaint neither presents a federal question nor provides a basis for diversity jurisdiction because the parties are not of diverse citizenship and the amount in controversy is

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less than \$75,000. Accordingly, the complaint will be dismissed. A separate Order accompanies this Memorandum Opinion.

Date: November 25, 2009


United States District Judge