

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

<p>DAVID STEVEN BRAUN,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>STATE OF MONTANA, et al.,</p> <p style="text-align: center;">Defendants.</p>	<p>)</p>	<p>Civil Action No. 13-0090 (ESH)</p>
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MEMORANDUM OPINION

Plaintiff David Steven Braun, proceeding *pro se*, has filed a complaint against the State of Montana, Verizon Wireless, Google, Inc., JP Morgan, Facebook, Rotary International, and Gallatin County. (Compl., Apr. 2, 2013 [ECF No. 1].) The complaint is virtually identical to the complaint plaintiff filed in another case, which the Court dismissed for lack of subject matter jurisdiction. See *Braun v. State of Montana*, No. 13cv0090 (D.D.C. Jan. 25, 2013). As the Court explained in that case:

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).

A district court may dismiss a complaint *sua sponte* prior to service on the defendants, pursuant to Federal Rule of Civil Procedure 12(h)(3), when it is evident that the court lacks subject-matter jurisdiction. See *Evans v. Suter*, No. 09-5242, 2010 WL 1632902 (D.C. Cir. Apr. 2, 2010) (citing *Hurt v. U.S. Court of Appeals for the D.C. Cir.*, No. 07-5019, 2008 WL 441786 (D.C. Cir. Jan. 24, 2008); *Scholastic Entertainment, Inc. v. Fox Entertainment Group, Inc.*, 326 F.3d 982, 985 (9th Cir. 2003); *Zernial v. United States*, 714 F.2d 431, 433-34 (5th Cir. 1983)).

