

frivolous when it appears from the face of the complaint that the factual allegations are "clearly baseless" or that the legal theories are "indisputably meritless." Neitzke v. Williams, 490 U.S. 319, 327 (1989); Carrol v. Gross, 984 F.2d 393, 393 (11th Cir. 1993).

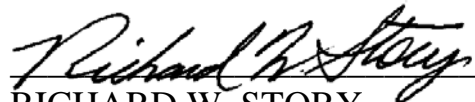
Here, Plaintiff's Complaint must be dismissed as this Court lacks subject matter jurisdiction. In the absence of an express grant of statutory jurisdiction, original jurisdiction may be predicated upon the presence of either a federal question or diversity of citizenship. Baltin v. Alaron Trading Corp., 128 F.3d 1466, 1469 (11th Cir. 1997). In her Complaint, Plaintiff makes clear that she is bringing state law claims, asserting "[violation of] the right of privacy[, . . .] invasion of right of privacy by unlawful publication[, . . . negligence[,] medical malpractice[,] willful and malicious acts[, violation of the] emergency room standard of care[, and violation of the] patient[']s right to know." Compl., Dkt. No. [5] at 2. None of these claims arise out of federal law.

Further, diversity does not exist in this action as a Georgia Plaintiff has brought a claim against a Georgia Defendant. See 28 U.S.C. § 1332. Thus, this Court does not have jurisdiction over this matter and the action must be

DISMISSED, without prejudice. Plaintiff's Motion for Conference [6] is

DENIED, AS MOOT. The Clerk is directed to close this case.

SO ORDERED, this 14th day of November, 2011.



RICHARD W. STORY
UNITED STATES DISTRICT JUDGE