

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ALFONZO CLARK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 10 C 8170
	)	
BOARD OF TRUSTEES OF THE	)	
UNIVERSITY OF ILLINOIS,	)	
	)	
Defendants.	)	

MEMORANDUM OPINION & ORDER

Alfonzo Clark ("Clark") has sought to invoke Lanham Act §43(a) (15 U.S.C. §1125(a)) as the predicate for imposing liability on the Board of Trustees of the University of Illinois for the asserted mislabeling of a university course taken by Clark (then a student at the University of Illinois at Chicago). Because this Court's initial responsibility in dealing with any case assigned to its calendar is to address the existence or non-existence of federal subject matter jurisdiction (Wis. Knife Works v. Nat'l Metal Crafters, 781 F.2d 1280, 1282 (7th Cir. 1986)) and, indeed, to do so sua sponte (Wernsing v. Thompson, 423 F.3d 732, 743 (7th Cir. 2005)), this opinion turns to that subject.

On that score the answer is clear: Clark lacks standing under Lanham Act §43(a). That has been reconfirmed as recently as three months ago in Stayart v. Yahoo!Inc., 623 F.3rd 436, 438 (7th Cir. 2010), citing several earlier cases that had so held. Accordingly both the Complaint and this action are dismissed for

lack of subject matter jurisdiction.<sup>1</sup>



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Milton I. Shadur  
Senior United States District Judge

Dated: December 28, 2010

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<sup>1</sup> This ruling both (1) obviates any need to consider whether Clark's claim also has any substantive deficiencies and (2) moots Clark's In Forma Pauperis Application.