

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

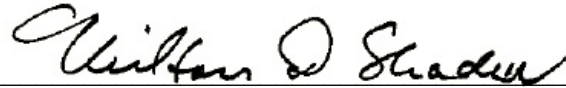
CHARLES B. DAVIS SR.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 12 C 9920
)	
RON GERICKE, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Charles Davis Sr. ("Davis"), having struck out in an earlier-filed lawsuit (12 C 9436) that had been assigned to this Court's colleague Honorable Robert Dow, Jr., has filed what he labels a "Complaint of Fraud" that has been assigned at random to this Court's calendar. It is unclear whether Davis regards this as a continuation of his earlier lawsuit that was dismissed by Judge Down on December 7, 2012 or whether he intends this to be a separate and independent action, but this memorandum order will assume the latter to be the case.

That said, the same jurisdictional flaws that Judge Dow identified in dismissing the case before him are present here: Total diversity of citizenship between Davis on the one hand and all of his named defendants on the other hand is lacking, and the Complaint does not implicate federal question jurisdiction. This Court's threshold responsibility is to confirm the existence or nonexistence of subject matter jurisdiction, and to do so sua sponte (see, e.g., Wernsing v. Thompson, 423 F. 3d 732, 743 (7th Cir. 2005)). Because of the absence of such jurisdiction, this

action is dismissed -- but without prejudice to Davis' right to bring suit in a state court of competent jurisdiction.¹



Milton I. Shadur
Senior United States District Judge

Date: January 8, 2013

¹ Davis' In Forma Pauperis Application and Motion for Appointment of Counsel are denied as moot.