

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CLINT PHILLIPS III,

Plaintiff,

v.

UNITED STATES AIR FORCE and the
UNITED STATES OF AMERICA,

Defendants.

Case No. 3:17-cv-01079-JPG-SCW

MEMORANDUM & ORDER

J. PHIL GILBERT, DISTRICT JUDGE

This matter comes before the Court on its own initiative for purposes of case management. Pro se plaintiff Clint Phillips is attempting to sue the United States of America and the United States Air Force via the Federal Tort Claims Act for a Fourth Amendment violation allegedly committed by U.S. Air Force security personnel. (Doc. 12.) Federal courts, however, are courts of limited jurisdiction. They may exercise jurisdiction only over matters authorized by the Constitution and by statute. *Turner/Ozanne v. Hyman/Power*, 111 F.3d 1312, 1316 (7th Cir. 1997). Moreover, federal courts must police the boundaries of their own jurisdiction. Even absent an objection by a party challenging jurisdiction, they are “obliged to inquire *sua sponte* whenever a doubt arises as to the existence of federal jurisdiction.” *Tylka v. Gerber Prods. Co.*, 211 F.3d 445, 448–49 (7th Cir. 2000) (quoting *Mt. Healthy City Bd. of Educ. v. Doyle*, 429 U.S. 274, 278 (1977)). As such, this Court conducts a rigorous initial review of complaints to ensure that jurisdiction exists.

Phillips’s original complaint failed to allege a proper theory of jurisdiction. (Doc. 2.) The Court gave him two chances to remedy the issue. (Docs. 6, 11.) Now, in his amended complaint, Phillips has properly named the United States as a defendant and has identified a theory under

the Federal Tort Claims Act that could provide him with relief. *See* 28 U.S.C. § 2680(h) (allowing a cause of action for false arrest and false imprisonment committed by “investigative or law enforcement officers of the United States Government . . .”). Phillips has not, however, identified a statute that allows him to sue the U.S. Air Force directly. Accordingly, the Court will allow the claim against the United States to proceed, but **DISMISSES without prejudice** the U.S. Air Force and **DIRECTS** the Clerk of Court to terminate them as a defendant.

IT IS SO ORDERED.

DATED: November 21, 2017

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE