

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION  
LEXINGTON

CIVIL ACTION NO. 11-76-JBC

ISAAC SEFA,

PLAINTIFF,

V.

MEMORANDUM OPINION & ORDER

WOODLAND STUDIOS  
HOMEOWNERS ASSOCIATION,

DEFENDANT.

\* \* \* \* \*

This matter is before the court on the defendant Woodland Studios Homeowners Association, Inc.'s motion for costs and expenses incurred, including attorney's fees, R.29. Because this court has no subject matter jurisdiction over the action, the motion will be denied.

On October 19, 2011, the court dismissed the plaintiff's complaint because it found that the complaint did not "present a basis by which this court can hear the case," and therefore the court had no subject matter jurisdiction over the action. R.26, pgs.1-2. If a district court has no subject matter jurisdiction over an action, then an award of attorney's fees is not appropriate "[u]nless the statute under which a party seeks attorney's fees contains an independent grant of jurisdiction." *Lynch v. Leis*, 382 F.3d 642, 648 (6th Cir. 2004) (quoting *Greater Detroit Res. Recovery Auth. & Combustion Eng'g v. United States EPA*, 916 F.2d 317, 320 (6th Cir. 1990)). The defendant here files its motion pursuant to Fed. R.

Civ. P. 11(b) stating that the plaintiff's "claims and legal contentions herein were not warranted by existing law and presented frivolous arguments for filing this case." R.29, p.2. Because Fed. R. Civ. P. 11 does not contain an independent grant of jurisdiction, the court lacks the authority to award attorney's fees in this action. Accordingly,

**IT IS ORDERED** that the defendant's motion for costs and expenses incurred, including attorney's fees, R.29, is **DENIED**.

Signed on March 22, 2012



*Jennifer B. Coffman*

JENNIFER B. COFFMAN, JUDGE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY