

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

ROBERT EDWARD SNEED,

Plaintiff,

v.

Miscellaneous Action No. 3:22-mc-4-DJH

COMMONWEALTH OF KENTUCKY,

Defendant.

* * * * *

MEMORANDUM OPINION

Robert Edward Sneed, a Kentucky state prisoner proceeding *pro se*, filed a motion (DN 1) in this Court which was opened as a miscellaneous action. The initiating document is styled as a “60.02 motion” in case number “92-cr-00197,” which is Sneed’s Kentucky state criminal case number.

Under Rule 12(h)(3) of the Federal Rules of Civil Procedure, “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”

“Federal courts are courts of limited jurisdiction,” *Home Depot U.S.A., Inc. v. Jackson*, — U.S. —, 139 S. Ct. 1743, 1746 (2019) (quoting *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377 (1994)), with subject-matter jurisdiction “over two general types of cases: cases that ‘arise[e] under’ federal law, [28 U.S.C.] § 1331, and cases in which the amount in controversy exceeds \$75,000 and there is diversity of citizenship among the parties, [28 U.S.C.] § 1332(a).” *Id.* “It is to be presumed that a cause lies outside this limited jurisdiction, . . . and the burden of establishing the contrary rests upon the party asserting jurisdiction[.]” *Kokkonen*, 511 U.S. at 377.

Sneed offers no reason this Court has jurisdiction to hear his Kentucky Rule of Civil Procedure 60.02 motion. The Court, therefore, will dismiss this miscellaneous action by separate Order.

Should Sneed wish to challenge his state-court conviction by filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, the Court **DIRECTS** the Clerk of Court to send Sneed a § 2254 form.

Date: October 12, 2022

A handwritten signature in black ink, appearing to read "D.J. Hale", is written over a faint circular seal of the United States District Court.

**David J. Hale, Judge
United States District Court**

cc: Plaintiff, *pro se*
4415.010