

Second, Plaintiff's reference to an "accident" involves no constitutional precept. Federal courts are courts of limited jurisdiction. *See Bender v. Williamsport Area School District*, 475 U.S. 534, 541 (1986); *Abercrombie v. Office of Comptroller of Currency*, 833 F.2d 672, 674 (7th Cir. 1987). A civil case may proceed in federal court only if a Plaintiff raises a claim based on the Constitution or laws of the United States or diversity jurisdiction exists. Plaintiff's claim primarily sounds in tort, not under the U.S. Constitution or federal law. To the extent that the self-represented cause of action may be generously construed as a 28 U.S.C. § 1332 diversity tort claim against Defendants, the cause of action may not go forward as the parties here are not claimed to be diverse and do not meet § 1332 requirements.

A Complaint that is totally implausible or frivolous, such as this, may be dismissed *sua sponte* for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12 (b)(1). *See Apple v. Glenn*, 183 F.3d 477 (6th Cir. 1999); *O'Connor v. United States*, 159 F.R.D. 22 (D. Md. 1994); *see also Crowley Cutlery Co. v. United States*, 849 F.2d 273, 277 (7th Cir. 1988) (federal district judge has authority to dismiss a frivolous suit on his own initiative).

For the aforementioned reasons, a separate Order shall be entered, dismissing Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e).² Plaintiff is hereby notified that he may be barred from

² § 1915(e)(2) states that:

Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—

- (A) the allegation of poverty is untrue; or
- (B) the action or appeal--
 - (i) is frivolous or malicious;

filing future suits in forma pauperis if he continues to file federal civil rights actions that are subject to dismissal under § 1915(e).²

Date: December 21, 2012

/s/
ROGER W. TITUS
UNITED STATES DISTRICT JUDGE

(ii) fails to state a claim on which relief may be granted; or
(iii) seeks monetary relief against a defendant who is immune from such relief.

² § 1915(g) provides that:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Once three such dismissals have been accumulated, a prisoner will be barred from initiating further civil actions in forma pauperis, absent extraordinary circumstances.