

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LEONARD MEMMINGER,

Plaintiff,

v.

Case No. 11-14551

Hon. Lawrence P. Zatkoff

CORBETT EDGE O'MEARA,

Defendant.

_____ /

ORDER DISMISSING PLAINTIFF'S CASE FOR LACK OF JURISDICTION

On October 17, 2011, Plaintiff, a *pro se* prisoner currently incarcerated at the Chippewa Correctional Facility, filed this action seeking to recover funds allegedly wrongfully retained by Defendant. Plaintiff, however, frames his case as one under 42 U.S.C. § 1983. Plaintiff hired Defendant to represent him in a previous criminal matter. In reviewing Plaintiff's Complaint, the Court dismisses this action for lack of federal jurisdiction. Both parties are residents of Michigan, and the amount in controversy does not exceed \$75,000. Thus, diversity jurisdiction is lacking. 28 U.S.C. § 1332. As to Plaintiff's reliance on 42 U.S.C. § 1983, the Court finds that Defendant is not a state actor under 42 U.S.C. § 1983 because Plaintiff hired Defendant to represent Plaintiff in the criminal matter. As such, the Court lacks federal subject matter jurisdiction. 28 U.S.C. § 1331. Accordingly, it is HEREBY ORDERED that Plaintiff's case is DISMISSED for lack of jurisdiction.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: January 23, 2012

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on January 23, 2012.

S/Marie E. Verlinde
Case Manager
(810) 984-3290