

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

| | | |
|---------------------|---|-------------------|
| PABLO D. BARTOLINI, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 1:14CV99 SNLJ |
| |) | |
| PAJCO, INC., |) | |
| |) | |
| Defendant, |) | |

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff’s civil complaint. Plaintiff has not stated a basis for this Court’s jurisdiction. As a result, the Court will direct plaintiff to show cause why this action should not be dismissed.

Plaintiff brings this lawsuit against Pajco, Inc., his former employer, alleging that he worked ten hour night shifts and that he was never allowed to take a meal break. Plaintiff alleges that he suffered injuries from standing during his shifts without eating. Plaintiff has not specified any federal statute or any other basis for the Court’s jurisdiction over his claim.

Rule 8(a) of the Federal Rules of Civil Procedure requires a plaintiff to state the basis for the Court’s jurisdiction in the complaint. Rule 12(h)(3) requires that the Court dismiss an action at any time if it determines that subject matter jurisdiction is lacking.

“Federal courts are courts of limited jurisdiction. The requirement that jurisdiction be established as a threshold matter springs from the nature and limits of the judicial power of the United States and is inflexible and without exception.” Kessler v. Nat’l Enterprises, Inc., 347 F.3d 1076, 1081 (8th Cir. 2003) (quotation marks omitted); see Kuhl v. Hampton, 451 F.2d 340,

342 (8th Cir. 1971) (federal courts “were not established to mediate any and all types of complaints and alleged wrongs.”).

Although the Court must liberally construe plaintiff’s factual allegations, it will not supply additional facts or construct a legal theory for plaintiff that assumes facts that have not been pled.

Plaintiff is directed to show cause, in writing and no later than twenty-one days from the date of this Memorandum and Order, why this action should not be dismissed for lack of subject matter jurisdiction.


Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion for leave to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff shall show cause, in writing and no later than twenty-one days from the date of this Memorandum and Order, why this action should not be dismissed for lack of subject matter jurisdiction..

IT IS FURTHER ORDERED that if plaintiff fails to comply with this Memorandum and Order, the Court will dismiss this action without further proceedings.

Dated this 7th day of July, 2014.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE