

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

NYCERE BEY,)
)
Plaintiff,)
)
v.) No. 4:12CV1462 FRB
)
DOUG LINVILLE,)
)
Defendant.)

OPINION, MEMORANDUM AND ORDER

This matter is before the Court upon review of plaintiff's complaint. Having found that the Court lacks jurisdiction over this matter, the action will be dismissed. See Fed.R.Civ.P. 12(h)(3).

The Complaint

Plaintiff brings this action for violations of his civil rights against defendant Doug Linville. Plaintiff alleges that defendant Linville, who appears to be the owner of a towing business, towed plaintiff's vehicle at the behest of the Ferguson Police Department and then "refused" to give the vehicle back to plaintiff without a release from the Police Department and payment of a fine. Plaintiff claims that defendant's actions are in violation of his rights under the "federal UCC laws," and he asserts that defendant cannot lawfully touch his property without his consent. Central to plaintiff's assertions seems to be his belief that he is a Moor and therefore immune from state and federal law.

Discussion

At the outset, the Court notes that plaintiff has failed to state the grounds for filing the instant action in Federal Court. Liberally construing the complaint as being brought under 28 U.S.C. § 1332, the Court will dismiss the action, without prejudice, for lack of subject matter jurisdiction. The amount in controversy is unspecified, and plaintiff has insufficiently alleged diversity of citizenship. See 28 U.S.C. § 1332.

Moreover, the instant action does not arise under the Constitution, laws, or treaties of the United States, and thus, federal question jurisdiction pursuant to 28 U.S.C. § 1331 is inapplicable. Although plaintiff summarily alleges violations of his civil rights, the named defendant, an owner of a towing facility, is not alleged, nor appears to be, a state actor, and thus, there can be no cause of action under 42 U.S.C. § 1983.

Accordingly,

IT IS HEREBY ORDERED that this action will be **DISMISSED** for lack of jurisdiction. See Fed.R.Civ.P. 12(h)(3).

A separate Order of Dismissal shall accompany this Memorandum and Order.

Dated this 31st day of August, 2012.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE