

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

|                          |   |                              |
|--------------------------|---|------------------------------|
| CALVIN C. CALDWELL, JR., | ) | CASE NO. 1:15 CV 123         |
|                          | ) |                              |
| Plaintiff,               | ) | JUDGE PATRICIA A. GAUGHAN    |
|                          | ) |                              |
| v.                       | ) |                              |
|                          | ) | <u>MEMORANDUM OF OPINION</u> |
| TAMMY R. MCGHEE,         | ) | <u>AND ORDER</u>             |
|                          | ) |                              |
| Defendant.               | ) |                              |

On January 20, 2015, *pro se* Plaintiff Calvin C. Caldwell, Jr., an inmate at the Mansfield Correctional Institution, filed this *in forma pauperis* action against Defendant Tammy K. McGhee. Plaintiff alleges in the Complaint that Defendant, a court reporter, did an unprofessional job preparing a transcript of Plaintiff's criminal proceedings. Plaintiff paid \$1300 for the transcript, and asserts Defendant is liable for breach of contract.

Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam); *Haines v. Kerner*, 404 U.S. 519, 520 (1972), the district court is required to dismiss an action under 28 U.S.C. § 1915(e) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact. *Neitzke v. Williams*, 490 U.S. 319 (1989); *Lawler v. Marshall*, 898 F.2d 1196 (6th Cir. 1990); *Sistrunk v. City of Strongsville*, 99 F.3d 194, 197 (6th Cir. 1996).

Even construing the Complaint liberally, there are no allegations suggesting a proper basis

for this Court's jurisdiction. Plaintiff does not invoke a federal statute in support of his claim, and the amount of damages sought does not fall within the jurisdictional minimum necessary to support a claim based on diversity of citizenship. 28 U.S.C. § 1332. This action is, therefore, appropriately subject to summary dismissal. *See, e.g., Lowe v. Hustetler*, No. 89-5996, 1990 WL 66822 (6th Cir. May 21, 1990).

Accordingly, this action is dismissed under section 1915(e). Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan  
PATRICIA A. GAUGHAN  
UNITED STATES DISTRICT JUDGE

Dated: 4/13/15