

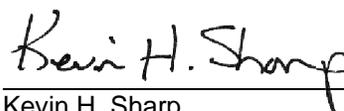
allegations. To the contrary, the plaintiff appears to assert purely state-law claims for medical malpractice and negligence. Medical malpractice, no matter how egregious, is not a federal claim.

Nor do the allegations in the complaint indicate that the Court may exercise diversity jurisdiction over the state-law claims. A federal district court has jurisdiction over a complaint asserting only state-law claims if the suit is between “citizens of different states” and the amount in controversy “exceeds the sum or value of \$75,000, exclusive of interest and costs.” 28 U.S.C. § 1332(a). The general rule is that diversity is determined at the time of the filing of a lawsuit. *Curry v. U.S. Bulk Transp., Inc.*, 462 F.3d 536, 540 (6th Cir. 2006). The complaint in this case does not allege an amount in controversy. Even if the Court were to assume that the requisite amount is at stake, the plaintiff’s allegations show that she and all of the defendants are citizens and residents of Tennessee. Because the plaintiff has not pleaded the requisite amount in controversy and because her allegations reveal that there is no diversity of citizenship, this Court lacks subject-matter jurisdiction on the basis of diversity of citizenship.

Accordingly, the Court concludes that the plaintiff’s complaint is subject to dismissal for lack of subject-matter jurisdiction under Fed. R. Civ. P. 12(h)(3). The complaint is hereby **DISMISSED WITHOUT PREJUDICE** to the plaintiff’s ability to pursue her claims in state court.

The Motion for Extension of Time (ECF No. 3) is **DENIED AS MOOT**.

It is so **ORDERED**.



Kevin H. Sharp
United States District Judge