

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JORDI BOSTOCK,

Plaintiff,

v.

TEXAS WORKFORCE COMMISSION,

Defendant.

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Civil Action No. **3:13-CV-4520-L**

ORDER

Before the court is Jordi Bostock’s (“Plaintiff”) Complaint (Doc. 3), filed on November 12, 2013. The case was referred to Magistrate Judge David L. Horan, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 9) on December 4, 2013, recommending that Plaintiff’s Complaint be dismissed. No objections have been filed.

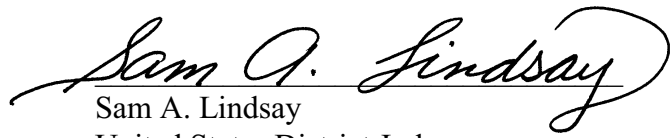
Plaintiff brought this pro se action alleging that she was improperly denied unemployment insurance benefits based on a false allegation of fraud. Plaintiff claims that she was treated unfairly in her hearing before the Appeal Tribunal and seeks to have the Texas Workforce Commission’s (“TWC”) findings overturned and to recover \$6,000 in unpaid unemployment benefits. The court granted Plaintiff leave to proceed *in forma pauperis* and allowed Plaintiff’s Complaint to be filed.

Pursuant to 28 U.S.C. § 1915(e)(2), a district court can dismiss a complaint filed *in forma pauperis* if it concludes that the action is (1) frivolous; (2) fails to state a claim on which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief. Plaintiff cannot recover in her claim against the TWC since the TWC is a state agency and therefore

cannot be sued for money damages in federal court without a waiver of Eleventh Amendment immunity. As the magistrate judge explains, Texas has waived immunity for certain tort claims, but a federal lawsuit that seeks review of the denial of unemployment compensation is generally barred by Eleventh Amendment immunity. Plaintiff has not included any claims against a federal defendant or any federal causes of action. Plaintiff therefore seeks monetary relief against a defendant who is immune from such relief. For these reasons, the court will dismiss Plaintiff's claim for lack of jurisdiction, as this action only involves questions of state law for which Plaintiff has provided no basis for this court to exercise original jurisdiction.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, Plaintiff's Complaint is **dismissed without prejudice**.

It is so ordered this 2nd day of January, 2014.


Sam A. Lindsay
United States District Judge