Raynor v. Great Eastern Resort Management, Inc. Doc. 4

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

LINDA RAYNOR,	)	
	)	
Plaintiff,	)	**Civil Action No. 5:06CV00115**
	)	
v.	)	**MEMORANDUM OPINION**
	)	
GREAT EASTERN RESORTS, INC.	)	**By: Samuel G. Wilson**
	)	**United States District Judge**
Defendant.	)	

Plaintiff, Linda Raynor, proceeding pro se, brings this action against defendant, Great Eastern Resort Management. Liberally construed, Raynor's one paragraph complaint alleges that she is "having trouble with [her] left heel" and because "the problem is work related... insurance and workman's comp should pay." She seeks to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. The court grants her motion to proceed in forma pauperis but dismisses her complaint without prejudice for failing to allege a sustainable basis of jurisdiction and for failure to state a claim upon which relief can be granted.

"The plaintiff seeking relief in federal court bears the burden of alleging and proving the facts conferring jurisdiction." Gambelli v. United States, 904 F. Supp. 494, 496 (E.D. Va. 1995) (citing Sligh v. Doe, 596 F.2d 1169, 1170 (4th Cir. 1979)). Yet, there is no hint in Raynor's complaint of a federal claim for relief or a basis for diversity jurisdiction pursuant to 28 U.S.C. § 1332(a) which requires diversity of citizenship and more than $75,000 in controversy. Pursuant to 28 U.S.C. § 1915(e)(2)(B) the court may "at any time" dismiss an in forma pauperis action if the action "fails to state a claim on which relief may be granted." Accordingly, the Court will dismiss Raynor's complaint without prejudice for failing to state a claim for relief that is subject

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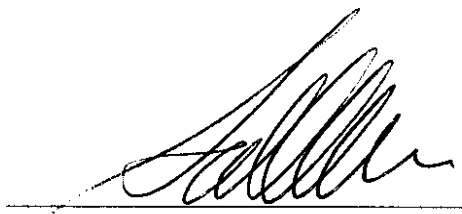
to federal court jurisdiction.

ENTER: This December 15, 2006.



UNITED STATES DISTRICT COURT