

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JASMINA IVANKOVIC,

Plaintiff,

v.

CHILDREN'S HOSPITAL OF
WISCONSIN,

Defendant.

Case No. 16-CV-1489-JPS

ORDER

On December 12, 2016, the defendant filed a motion to dismiss the plaintiff's complaint. (Docket #5). The plaintiff submitted her response to the motion on January 3, 2017. (Docket #11). The current briefing makes it clear that the Court lacks subject matter jurisdiction to hear this matter, and so the motion must be granted. Federal courts are courts of limited jurisdiction, and may only hear cases in two primary categories: 1) those raising issues of federal law, known as "federal question" jurisdiction, and 2) those between parties who are citizens of different states and which involve an amount in controversy exceeding \$75,000.00, known as "diversity" jurisdiction. *See* 28 U.S.C. §§ 1331 and 1332(a).

The plaintiff has not properly invoked either form of jurisdiction. Her complaint alleges that she fell while working in the defendant's facility and suffered lasting injuries. (Docket #1 at 2-3). This claim implicates no federal law or the United States Constitution, but is instead a simple negligence claim based in state law. Diversity is also lacking. The plaintiff pleads, and the defendant confirms, that they are both citizens of Wisconsin. (Docket #1 at 1 and #6 at 3).

The plaintiff's only response to the jurisdiction issue is the following:

First off, in regards to the defendant's claim that the Court lacks jurisdiction, the plaintiff has always sought to have her case heard in the [sic] court of law for the last eighteen years, and was always manipulated and stopped while her medical condition was declining more and more, including filing with the Federal Court in 2007.

(Docket #11 at 1). This statement has no bearing on whether her claims are based in federal law or on the citizenship of the parties, and so is of no moment to the Court's findings on subject matter jurisdiction. In light of the foregoing, the plaintiff's complaint must be dismissed for want of jurisdiction.

Accordingly,

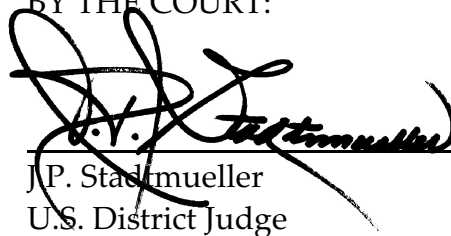
IT IS ORDERED that the defendant's motion to dismiss (Docket #5) be and the same is hereby **GRANTED**; and

IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED without prejudice**.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 10th day of January, 2017.

BY THE COURT:



J.P. Stadmueller
U.S. District Judge