

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

REGINA R.E. MORGAN,

Petitioner,

v.

MR. FENDT, CONNIE EID,
NANCY McQUIRE, KAY JEREZCEK
and PAM FELLEENZ,

Respondents.

ORDER

01-C-334-C

This is a proposed civil action in which pro se petitioner Regina Morgan seeks leave to proceed without prepayment of fees and costs or providing security for such fees and costs, pursuant to 28 U.S.C. § 1915. From the affidavit of indigency accompanying petitioner's proposed complaint, I conclude that petitioner is unable to prepay the fees and costs of instituting this lawsuit.

In addressing any pro se litigant's complaint, the court must construe the complaint liberally. See Haines v. Kerner, 404 U.S. 519, 520-21 (1972). However, pursuant to 28 U.S.C. § 1915(e)(2), if a litigant is requesting leave to proceed in forma pauperis, the court must deny leave to proceed if the action is frivolous or malicious, fails to state a claim on

which relief may be granted or seeks monetary relief against a defendant who is immune from such relief.

The following is a summary of the allegations in petitioner's complaint.

ALLEGATIONS OF FACT

Petitioner Regina Morgan is a resident of Wisconsin. She was an employee of GLHC (which appears to stand for Gundersen Lutheran Health Care) until she resigned in May 2001. Respondent Pam Fellenz is a La Crosse County nurse. The remaining respondents are employees of Gundersen Lutheran: respondent Mr. Fendt is the director; respondent Connie Eid is the head administrator; respondent Nancy McQuire is a nurse; and respondent Kay Jerezcek is the human resources director.

Petitioner alleges facts surrounding two incidents. The first incident involves a complaint that was made about a visit petitioner made to a client's home in March 2001 and her employer's handling of the complaint. The second incident involves physical injuries petitioner suffered in January and October 2000 and her employer's handling of her injuries.

OPINION

Federal courts are courts of limited jurisdiction. They can hear only those cases that Congress empowers them to hear. Generally, federal courts have the power to hear two types

of cases: cases in which the petitioner alleges a violation of her constitutional rights or rights established under federal law and cases in which the petitioner, a citizen of one state, alleges a violation of his rights established under state law by a citizen of another state.

Although petitioner's complaint is difficult to understand, she appears to be contending that respondents Fendt, Eid, McQuire and Jerezcek, private employees of petitioner's former employer, treated her unfairly during her employment, both when respondent Fellenz made allegations against her and when she was injured. Petitioner does not specify what federal law protects her from respondents' actions and I am aware of none.

Federal law does not provide a basis for jurisdiction and neither does diversity of citizenship because petitioner and all of the persons she wants to sue are residents of Wisconsin. Therefore, petitioner's request for leave to proceed in forma pauperis will be denied because this court lacks subject matter jurisdiction over her lawsuit. Plaintiff may have state law claims against the respondents but she must bring those in state court. This court does not have independent jurisdiction over state law claims.

ORDER

IT IS ORDERED that petitioner Regina Morgan's request for leave to proceed in

forma pauperis is DENIED and this action is DISMISSED for lack of jurisdiction.

Entered this 10th day of July, 2001.

BY THE COURT:

A black rectangular box containing the handwritten signature of Barbara B. Crabb in white ink.

BARBARA B. CRABB
District Judge