

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

MICHAEL O'GRADY,

Plaintiff,

v.

MARATHON COUNTY CHILD
SUPPORT AGENCY, TAMMY
LEVIT-JONES, PAUL A. DIRKSE,
BONNIE C. LARSON aka: BONNIE
C. RAINVILLE, VINCENT K.
HOWARD and SYNTHIA O'GRADY
aka: YER THAO; SYNTHIA D'ANTONIO

Defendants.

ORDER

02-C-0708-C

This is a civil action for monetary and declaratory relief in which plaintiff Michael O'Grady alleges that defendants committed various acts of fraud in the events surrounding defendant Synthia O'Grady's attempts to collect child support from him. Although the headings in plaintiff's complaint allege numerous wrongs perpetrated by defendants (including various constitutional violations), the body of his complaint alleges at most fraud. For example, plaintiff alleges in his headings that he has suffered disability-based discrimination, equal protection, due process, enslavement and mail fraud, but the

allegations in the body of his complaint in no way comport with his headings. See Gleash v. Yuswak, 308 F.3d 758, 761 (7th Cir. 2002) (courts give effect to substance of document, not its caption).

Generally, federal courts have the power to hear two types of cases: (1) cases in which a plaintiff alleges a violation of his or her constitutional rights or rights established under federal law and (2) cases in which a citizen of one state alleges a violation of his or her rights established under state law by a citizen of another state *and* the amount in controversy exceeds \$75,000. See 28 U.S.C. § 1331-32; see also Wild v. Subscription Plus, Inc., 292 F.3d 526 (7th Cir. 2002) (court has independent obligation to insure jurisdiction exists). Plaintiff's allegations of fraud surrounding the collection of his child support payments do not fall into either category. Moreover, plaintiff's claims run up against the general rule that family law matters are outside the jurisdiction of federal courts. See Hisquierdo v. Hisquierdo, 439 U.S. 572, 581 (1979).

Accordingly, IT IS ORDERED that plaintiff's lawsuit is DISMISSED for lack of subject matter jurisdiction.

Entered this 6th day of January, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge