

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

In re: MARK WOODARD,

Plaintiff,

ORDER

05-C-0289-C

Plaintiff Mark Woodard has filed a document titled "Legal Pleading filed in Federal Court" and has paid the \$250 fee for filing a complaint. However, his pleading does not conform with Fed. R. Civ. P. 10(a), which requires that "[i]n the complaint the title of the action shall include the names of all the parties." This requirement ensures that all defendants in a case will receive notice of the action against them.

Plaintiff states that he does not know the name of the defendants he wants to sue, but even if he did, his complaint does not allege facts revealing a basis for federal jurisdiction. Plaintiff expresses frustration over his inability to make any judge understand what his claim is, but this court finds itself similarly perplexed. Plaintiff seems upset about medical care he either has or has not received and about the difficulties he is experiencing in obtaining copies of his medical records. Neither of these matters appears to implicate a concern that federal judges can adjudicate.

Generally, federal courts have the power to hear two types of cases: (1) cases in which the 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. Plaintiff's complaint does not appear to fall into either category.

It is true that a federal court may exercise supplemental jurisdiction over state law claims when they are brought in the same case as federal claims and “are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy.” 28 U.S.C. § 1367. In this case, however, plaintiff has not alleged facts from which an inference may be drawn that he has suffered a violation of his constitutional rights or rights under federal law. Because this court does not have subject matter jurisdiction over plaintiff's claim, I will dismiss this cause of action on the court's own motion.

ORDER

IT IS ORDERED that plaintiff Mark Woodard's complaint is DISMISSED for lack

of subject matter jurisdiction. The clerk of court is directed to close this case.

Entered this 19th day of May, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge