

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

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REV. MICHAEL J. CORTES  
and WHITE TIGER MINISTRY,

Plaintiffs,

v.

SETH BELL and SETH'S MOM,

Defendants.  
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OPINION and ORDER

07-C-396-C

In this civil action for injunctive relief, pro se plaintiff Michael Cortes, on behalf of himself and plaintiff White Tiger Ministry, alleges that defendant Seth Bell stole a substantial quantity of jewelry and antique coins from plaintiff and used the money to purchase illegal drugs and bus tickets. (Because plaintiff Cortes is the only party to whom the allegations of the complaint pertain, all references to “plaintiff” are to Cortes only.)

Plaintiff has paid the full fee for filing his lawsuit. Nevertheless, the court has an independent obligation to insure it has subject matter jurisdiction over a case before allowing it to proceed. Wild v. Subscription Plus, Inc., 292 F.3d 526 (7th Cir. 2002). Because there is no basis for exercising federal jurisdiction over plaintiff’s lawsuit, the complaint will be

dismissed.

In his complaint, plaintiff alleges the following facts.

#### FACTUAL ALLEGATIONS

Plaintiff Michael Cortes lives in Madison, Wisconsin. Plaintiff White Tiger Ministries is run by plaintiff Cortes.

Sometime before June 23, 2007, defendant Seth Bell robbed plaintiff, stealing a large quantity of antique coins and jewelry plaintiff had inherited from his parents and grandmother.

On June 23, 2007, defendant Bell returned plaintiff's antique ring.<sup>1</sup> Plaintiff called defendant Bell and left a message stating that he knew Bell had exchanged plaintiff's antique coins for bus fare. Plaintiff demanded the return of his remaining items.

Later, plaintiff learned from family friends that defendant Bell had traded plaintiff's sixth century emerald and ruby jewelry for cocaine and marijuana, which Bell was storing in "safe houses." Plaintiff heard subsequent reports that defendant Bell had been seen wearing some of the stolen jewelry at the East Towne Mall.

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<sup>1</sup>Curiously, plaintiff's complaint is dated June 22, 2007.

## DISCUSSION

Federal courts are courts of limited jurisdiction, with the power to hear only certain kinds of cases. Generally, federal courts address claims involving questions of federal law (including constitutional law) and disputes between citizens of different states when the amount of money at stake is more than \$75,000. 28 U.S.C. §§ 1331, 1332.

In this lawsuit, plaintiff alleges that defendant Bell stole coins and jewelry from him. Common theft of the sort plaintiff alleges is a matter of state, not federal, law. Therefore, jurisdiction does not arise under 28 U.S.C. § 1331. Plaintiff does not suggest that he and defendant Bell are citizens of different states and, in fact, printed messages attached to the complaint suggest that defendant Bell may live in the same city as plaintiff. However, even if defendant Bell were a citizen of a different state, there would be no diversity jurisdiction in this case because plaintiff has not suggested that the amount in controversy is more than \$75,000.

The jewelry allegedly stolen from plaintiff may have been worth more than \$75,000 (although plaintiff does not allege that it was); however, plaintiff is not requesting monetary relief. Instead, he has asked the court for injunctive relief only. In suits seeking injunctions, the amount in controversy is determined by “the value to the plaintiff of the object of the litigation.” Hunt v. Washington State Apple Advertising Commission, 432 U.S. 333, 347 (1977); America’s MoneyLine, Inc. v. Coleman, 360 F.3d 782, 786 (7th Cir. 2004).

In his complaint, plaintiff asked the court to order (1) attorney Joe Sommers to represent him; (2) the Bureau of Firearms and Tobacco to investigate certain MySpace postings attached to the complaint; (3) defendant Bell's mother to surrender her real estate and life insurance policy to him; and (4) plaintiff's grandparents to "return" (from where he does not say), accompanied by the pope. Not only are these requests ones that the court has no authority to order, they are ones of unquantifiable value that may not be used to establish the amount in controversy required for diversity jurisdiction under 28 U.S.C. § 1332. Because this court lacks subject matter jurisdiction over plaintiff's case, it must be dismissed without prejudice.

#### ORDER

IT IS ORDERED that this case be DISMISSED without prejudice for lack of subject matter jurisdiction. The clerk of court is directed to close the case.

Entered this 27th day of July, 2007.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge