

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

CHRISTINE PORTER,

Plaintiff,

v.

FOOD AND DRUG ADMINISTRATION,

Defendant.

ORDER

11-cv-119-bbc

This is a proposed civil action in which plaintiff Christine Porter sues the United States Food and Drug Administration, alleging that she has been harmed by various prescription drugs. In an April 6, 2011 order, I concluded that plaintiff's complaint violated Fed. R. Civ. P. 8(a)(2) because her allegations against the agency were extremely vague, and gave her a chance to file an amended complaint more fully detailing her claim.

Now plaintiff has filed an amended complaint in which she drops the Food and Drug Administration as a defendant, and submits allegations stating that her previous doctors prescribed medications for vertigo and sinusitis that were not effective, eventually causing a grand mal seizure and brain damage. Plaintiff fails to formally name the doctors as defendants in the lawsuit, but there is no reason to ask plaintiff for this information because her medical malpractice claims do not belong in federal court.

Plaintiff's claims in this case are the same as those she previously raised in case no. 08-cv-635-bbc. In that case, I explained to plaintiff that if she wanted to pursue these state law

malpractice claims, she would have to do so in state court. (Plaintiff has not alleged that diversity jurisdiction exists in either of her cases.) Plaintiff acknowledges the previous order by stating, "Judge Crabb, when you ruled that I should file the case in [state] circuit court, nobody would help me. About two dozen law firms refused." I understand how difficult it can be for a non-lawyer to represent herself in court proceedings, but this court does not have the power to exercise jurisdiction over her state law claims in order to appoint her counsel in this court.

ORDER

IT IS ORDERED that this case is DISMISSED without prejudice to plaintiff Christine Porter's refiling her claims in state court.

Entered this 1st day of June, 2011.

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