

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

JANELLE L. BARLASS,

Plaintiff,

v.

FARROKH SHAHLAPOUR,

Defendant.

ORDER

12-cv-203-slc¹

In this proposed civil action for monetary and injunctive relief, plaintiff Janelle L. Barlass contends that her former landlord, defendant Farrokh Shahlapour, violated her rights under the United States Constitution and state law by unlawfully evicting her, refusing to engage in arbitration and retaliating against her. Because plaintiff is proceeding under the in forma pauperis statute without prepayment of costs, I must screen her complaint and dismiss any claims that are legally frivolous, malicious, fail to state a claim upon which relief may be granted or ask for money damages from a defendant who by law cannot be sued for money damages. 28 U.S.C. § 1915(e)(2)(B).

Plaintiff tried to assert the same claims against defendant in a previous lawsuit involving several claims and defendants. Barlass v. Carpenter, Case No. 10-cv-454-slc. As

¹ For the purpose of issuing this order, I am assuming jurisdiction over this case.

I explained to plaintiff in the context of screening that lawsuit, she may not assert claims under the United States Constitution against defendant because he is not a governmental actor. Case No. 10-cv-454-slc, dkt. #8 at 19, #12 at 5. Additionally, although plaintiff alleges that her claim is for more than \$75,000, this court cannot exercise jurisdiction under 28 U.S.C. § 1332 over plaintiff's state law claims against defendant because plaintiff's citizenship is not diverse from defendant's. Thus, for the reasons already explained to plaintiff in her previous lawsuit, her claim against defendant must be dismissed for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted.

ORDER

IT IS ORDERED that plaintiff Janelle Barlass's complaint is DISMISSED for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted. The clerk of court is directed to enter judgment for defendant Farrokh Shahlapour and close this case.

Entered this 23d day of April, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge