

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

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ELVA L. VELAZQUEZ,

Plaintiff,

v.

UNNAMED,

Defendants.

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ORDER

04-C-686-C

Elva L. Velazquez has filed a complaint in this court in which she claims that she twice signed contracts under which she agreed to purchase pots and pans from Hy Cite Corporation, a Wisconsin corporation, that she never received. She seeks damages in the amount of \$4,000.

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 claim of breach of contract is a state law claim. It must be brought in state court unless the parties are diverse and the amount in controversy exceeds \$75,000. In this case, the parties are not diverse and even if they are, the amount in controversy falls far short of the \$75,000 minimum.

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

Entered this 28th day of September, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge