

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

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ALEKSANDRA CICHOWSKI,

Plaintiff,

v.

FOUR WINDS INSURANCE AGENCY, LLC;  
HO-CHUNK HOTEL & CONVENTION CENTER,

Defendants.  
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ORDER

04-C-08-C

Plaintiff Aleksandra Cichowski has filed a complaint against the Four Winds Insurance Agency and Ho-Chunk Hotel & Convention Center. Although she has paid the \$150 filing fee, I have screened her complaint in an effort to ascertain possible bases for jurisdiction in this court and have found none.

Plaintiff's complaint is devoid of factual allegations. The body of her complaint reads in full:

Please see petition for the United States Court of Appeals VII Circuit to exercise its original or supervisory jurisdiction and petition to the United States Court Seventh Circuit to exercise its original jurisdiction to issue prerogative writt over Ho-Chunk Court and Proceeding Judge. Attached. (sic)

In addition to failing to allege any factual allegations to support a claim over which

this court would have jurisdiction, plaintiff fails to specify what relief she wants from this court. The attachments to plaintiff's complaint do not provide any insight into these matters. Plaintiff attaches a number of documents addressed to the United States Court of Appeals for the Seventh Circuit asking that court to allow her to appeal from decisions in tribal court cases numbered CV 01-25 and CV 01-90, in which plaintiff sought workers' compensation benefits, several papers that appear to be parts of the record in those cases and several purported affidavits that do not include any factual allegations making out a federal law claim.

Federal courts can hear only those cases that Congress grants them the power to hear. Generally, federal courts may 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 lawsuit does not fall into either category. Ordinarily, a challenge to a denial of workers' compensation benefits is a state law claim, although the fact that plaintiff has litigated her claim in a tribal court may prevent her from raising the claim in state court. In any event, even if plaintiff wanted to raise a state law claim in this court, her complaint shows that she and the defendants are not from different states and it is highly unlikely that the amount in controversy would exceed \$75,000. Moreover, plaintiff's

complaint contains no allegations of fact to support a claim that the defendants violated her rights under federal law. Therefore, plaintiff has failed to show that there is a “case or controversy” between herself and the defendants within the meaning of Article III of the Constitution. Accordingly, this case will be dismissed on the court’s own motion for lack of jurisdiction.

ORDER

IT IS ORDERED that plaintiff Aleksandra Cichowski’s action is DISMISSED on the court’s own motion for lack of subject matter jurisdiction. The Clerk of Court is directed to enter judgment dismissing the case.

Entered this 12th day of January, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge