

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

ROBERT BRUNO CIARPAGLINI,

Petitioner,

v.

ORDER
05-C-264-S

BANK ONE, JPMORGAN CHASE BANK, N.A.,

Respondents.

Petitioner requests leave to proceed in forma pauperis. Attached to his affidavit of indigency is a proposed complaint.

Petitioner alleges that the defendant failed to honor overdraft protection on his business account. He further alleges that respondent is liable for intentional misrepresentation, negligence and intentional infliction of emotional distress. Although plaintiff alleges actual damages in the amount of \$63,700.00 and compensatory and punitive damages in the amount of \$250,000.00, he has not alleged facts that support an actual amount in controversy of \$75,000.00. Accordingly, he has not alleged sufficient facts to support jurisdiction in this Court under 28 U.S.C. § 1332. Petitioner's request to proceed in forma pauperis will be denied and dismissed without prejudice.

Petitioner is advised that in any future proceedings in this matter he must offer argument not cumulative of that already provided to undermine this Court's conclusion that his claim must be dismissed. See Newlin v. Helman, 123 F.3d 429, 433 (7th Cir. 1997).

ORDER

IT IS ORDERED that petitioner's request to proceed in forma pauperis is DENIED and DISMISSED without prejudice.

Entered this 2nd day of May, 2005.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge