

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

MONIQUE LASHUN MIMS ,

Plaintiff,

v.

STATE OF WISCONSIN DEPARTMENT
OF JUSTICE, et al.

Defendants.

ORDER

Case No. 15-cv-418-wmc

As plaintiff Monique LaShun Mims has filed a proposed civil complaint in this court without prepayment of the filing fee, the court is required to screen her complaint under 28 U.S.C. § 1915 to determine whether she may proceed. Because she is a *pro se* litigant, she is held to a “less stringent standard” in crafting pleadings. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). Even under a relaxed pleading standard, however, Mims may not proceed with her proposed federal lawsuit.

In her complaint, plaintiff explains that she and her sister, Monica L. Mims, are twins. Apparently due to the nature of the criminal background check system in Wisconsin, those who request criminal background checks on her have inaccurately received her sister’s criminal history. Understandably, Mims states that her sister’s history places her in a false light. As a result, Mims further claims that she was denied housing and employment opportunities. Plaintiff names the States of Wisconsin Department of Justice and the Department of Corrections as defendants, but fails to state under what theory of relief either is liable in federal court.

A federal court is one of limited jurisdiction. Generally, this court may only consider cases: (1) that arise under federal law, 28 U.S.C. § 1331; or (2) in which the parties in suit

are citizens of different states and the amount in controversy is greater than \$75,000, 28 U.S.C. § 1332. Even read generously, plaintiff's complaint does not implicate any federal law or constitutional right that would provide this court with jurisdiction under § 1331. Rather, plaintiff refers to libel, which is a state law claim. Perhaps if there were no way to challenge the background check system in a state administrative or court proceeding, a colorable, federal due process claim might be fashioned, but there is also no indication that this is so either. On the contrary, state law would suggest various state administrative and judicial remedies that would be available, a lawsuit for libel being among the most extreme. Moreover, Mims fails to allege that she has pursued *any* of them.

While a federal court can resolve some state law claims if there is jurisdiction under 28 U.S.C. § 1332, the court does not have jurisdiction over this case under that statute either. First, Mims lists a Watertown, Wisconsin, address on her complaint, so she appears to be a citizen of Wisconsin. Second, the Wisconsin Department of Justice or Wisconsin Department of Corrections are certainly not citizens of other states, nor even necessarily suable entities in federal court. Third, Mims fails to allege that the amount in controversy in this case is greater than \$75,000. It is, therefore, apparent that this court lacks jurisdiction over plaintiff's claim.

ORDER

IT IS ORDERED that Plaintiff Monique Mims's Motion for Leave to Proceed (dkt. #2) is DENIED, and this lawsuit is dismissed.

Entered this 3rd day of April, 2017.

BY THE COURT:
/s/
WILLIAM M. CONLEY
District Judge