

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

DANIEL J. KETNER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:13-cv-0440-TWP-TAB
)	
HOOSIER TRUCK & TRAILER)	
SERVICES, and KATHY A. SCHULTETI,)	
)	
Defendants.)	

ENTRY AND ORDER DISMISSING ACTION

The matter is before the Court on Defendant Kathy A. Schulteti’s Motion to Dismiss for Lack of Jurisdiction (Dkt. 26). For the reasons stated below, the Motion must be **GRANTED**.

“[J]urisdiction is power to act.” *Bailey v. Sharp*, 782 F.2d 1366, 1369 (7th Cir. 1986) (Easterbrook, concurring). It is adjudicatory competence. *Johnson v. CSX Transp., Inc.*, 343 F. App’x 138, 139 (7th Cir. 2009). Subject matter jurisdiction “defines the court-s authority to hear a given type of case,” *United States v. Morton*, 467 U.S. 822, 828 (1984), and is the first question in every case. *Sherman v. Community Consol. Sch. Dist. 21 of Wheeling Twp.*, 980 F.2d 437, 440 (7th Cir. 1992), *cert. denied*, 114 S. Ct. 2109 (1994).

“Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is the power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause.” *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 94 (1998) (internal quotation marks omitted).

Federal courts “have only the power that is authorized by Article III of the Constitution and the statutes enacted by Congress pursuant thereto,” *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986). “Jurisdiction is established when the complaint narrates a claim that

arises under federal law (28 U.S.C. § 1331) or that satisfies the requirements of the diversity jurisdiction (28 U.S.C. § 1332).” *Bovee v. Broom*, 732 F.3d 743, 744 (7th Cir. 2013).

Despite having had the opportunity and being directed to do so, Mr. Ketner has failed to identify a plausible basis for the exercise of subject matter jurisdiction over the claims in his complaint. Because Mr. Ketner has failed in these respects, the action must be dismissed for lack of jurisdiction. The Motion to Dismiss (Dkt. 26) is **GRANTED**. Any claims asserted under Indiana state law are likewise dismissed for lack of jurisdiction pursuant to 28 U.S.C. § 1367(c). All pending motions (Dtk. 28, 31, 34, 41, 54, 55, 60, 62, 63, 66, 70 and 72) are **DENIED AS MOOT**.

Judgment consistent with this Entry shall now issue.

SO ORDERED.

Date: 02/19/2014


Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

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