

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ROBYN GRIFFITH,)	
)	
Plaintiff,)	
)	
v.)	No. 1:21-cv-01937-JPH-MG
)	
WENDY CLENSY,)	
)	
Defendant.)	

ORDER

I. Granting *in forma pauperis* status

Plaintiff, Robyn Griffith's, motion to proceed *in forma pauperis*, dkt. [2], is **GRANTED**. See 28 U.S.C. § 1915(a). While *in forma pauperis* status allows Ms. Griffith to proceed without prepaying the filing fee, she remains liable for the full fees. *Ross v. Roman Catholic Archdiocese of Chicago*, 748 F. App'x 64, 65 (7th Cir. Jan. 15, 2019) ("Under 28 U.S.C. § 1915(a), a district court may allow a litigant to proceed 'without *prepayment* of fees,' . . . but not without *ever* paying fees."). No payment is due at this time.

II. Screening

A. Screening standard

The Court has the inherent authority to screen Ms. Griffith's complaint. *Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir. 1999) ("[D]istrict courts have the power to screen complaints filed by all litigants, prisoners and non-prisoners alike, regardless of fee status."). The Court may dismiss claims within a complaint that fail to state a claim upon which relief may be granted. See *id.*

In determining whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017).

To survive dismissal,

[the] complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). Pro se complaints are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015).

B. The amended complaint¹

"Federal courts are courts of limited jurisdiction." *Gunn v. Minton*, 658 U.S. 251, 256 (2016). To hear and rule on the merits of a case, a federal "court must have the power to decide the claim before it (subject-matter jurisdiction)." *Lightfoot v. Cendant Mortg. Corp.*, 137 S. Ct. 553, 562 (2017). "The party asserting federal jurisdiction bears the burden of demonstrating its existence." *Farnik v. F.D.I.C.*, 707 F.3d 717, 721 (7th Cir. 2013). And "[i]f the court determines at any time that it lacks subject-matter jurisdiction, [it] must dismiss the action." Fed. R. Civ. P. 12(h)(3); *see Evergreen Square of Cudahy v.*

¹ Ms. Griffith filed an amended complaint, dkt. 6, without first seeking leave to amend. *See* Fed. R. Civ. P. 15(a)(2). Since *pro se* complaints are held to a less stringent standard than formal pleadings drafted by lawyers, the Court construes Ms. Griffith's amended complaint as requesting leave to amend. *See Perez*, 792 F.3d at 776. The amended complaint, dkt. 6, is now the operative pleading.

Wis. Hous. & Econ. Dev. Auth., 776 F.3d 463, 465 (7th Cir. 2015) ("[F]ederal courts are obligated to inquire into the existence of jurisdiction sua sponte.").

The Court does not appear to have jurisdiction over this case. The basic statutory grants of federal-court subject-matter jurisdiction are contained in 28 U.S.C. §§ 1331 and 1332. Section 1331 provides for federal-question jurisdiction, § 1332 for diversity of citizenship jurisdiction. A plaintiff properly invokes § 1331 jurisdiction when she pleads a colorable claim arising under the Constitution or laws of the United States. She invokes § 1332 jurisdiction when she presents a claim between parties of diverse citizenship that exceeds the required jurisdictional amount, currently \$75,000. *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 513 (2006) (citations and quotation omitted).


Ms. Griffith indicates that the basis for jurisdiction is federal question. The factual allegations in the amended complaint are: "Rape using a drug and attempted murder she left me instead of getting medical help they also use human trafficking and violence as a bargaining tool" "to get people to help her cover it up." Dkt. 6 at 3–4. These claims do not support the existence of federal question jurisdiction.

C. Conclusion

Ms. Griffith shall have **through September 3, 2021**, to show cause why her federal claims should not be dismissed for lack of subject-matter jurisdiction.

SO ORDERED.

Date: 8/4/2021


James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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