

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

MICHAEL EUGENE REID,  
*Plaintiff,*

vs.

CY MARLOW,  
*Defendant.*

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2:13-cv-00392-JMS-WGH

**ORDER**

On November 7, 2013, *pro se* Plaintiff Michael Reid filed a form entitled “Civil Rights Complaint” in this matter. [Dkt. 1.] Upon review of the Complaint, however, Mr. Reid does not state a civil rights claim, or any federal claim that would invoke this Court’s subject-matter jurisdiction. The “Jurisdiction” section of the form is blank, and the Court’s review of Mr. Reid’s allegations indicates that they do not appear to invoke federal law. His complaint alleges a “bait and switch” because he agreed to lease a particular apartment but was instead given a much lesser quality unit on move-in day. Such claim provides no basis for federal jurisdiction.

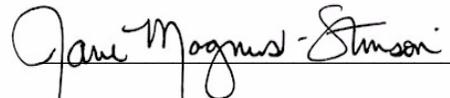
In order to invoke this Court’s jurisdiction, the Complaint must either assert claims under a federal law or be between citizens of different states and involve an amount in controversy of over \$75,000, exclusive of interest and costs. *Smith v. Andy Mohr-Buick, Pontiac, GMC*, 2009 U.S. Dist. LEXIS 13422, \*4 (S.D. Ind. 2009) (“Subject to exceptions which are plainly not applicable here, ‘[a] federal court may exercise jurisdiction where: 1) the requirements for diversity jurisdiction set forth in 28 U.S.C. § 1332 are met; or 2) the matter arises under the Constitution, laws, or treaties of the United States as provided in 28 U.S.C. § 1331’” (quoting *Barringer-Willis v. Healthsource North Carolina*, 14 F.Supp.2d 780, 781 (E.D.N.C. 1998))). Because the limited jurisdiction of a federal court is not to be judicially expanded, the presumption is that “a cause

lies outside this limited jurisdiction...and the burden of establishing the contrary rests upon the party asserting jurisdiction.” *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377 (1994).

Mr. Reid shall have **through December 6, 2013 to file an Amended Complaint** specifically setting forth the basis of this Court’s jurisdiction over his claims.

In the meantime, Mr. Reid’s Motion for Leave to Proceed In Forma Pauperis, [dkt. 2], remains **UNDER ADVISEMENT**. Mr. Reid is ordered to complete the IFP form in full, and resubmit it with his Amended Complaint, should he file one.

11/12/2013



Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

**Distribution via United States Mail:**

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