

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ISAAC SANDERS,	:	
	:	
Plaintiff,	:	
	:	
v.	:	No. 05-cv-04556-CG
	:	
GMAC MORTGAGE CO HORSHAM PA,	:	
	:	
Defendant.	:	

MEMORANDUM

Presently pending before the Court is Plaintiff's Motion to Proceed in Forma Pauperis. However, upon review of Plaintiff's Complaint (the "Complaint"), it is clear that the Complaint lacks federal subject matter jurisdiction. 28 U.S.C. §§ 1331, 1332. The Complaint avers that Defendant falsely claims that Plaintiff has failed to make mortgage payments for the months of June, July, and August 2005. The Complaint includes no basis for jurisdiction pursuant to a federal question. 28 U.S.C. § 1331. Additionally, the amount in controversy from the three disputed mortgage payments does not exceed \$75,000 which is required for jurisdiction based on diversity of citizenship. 28 U.S.C. § 1332.

ORDER

AND NOW, this 7th day of September 2005, upon consideration of Plaintiff's Motion to Proceed in Forma Pauperis and Plaintiff's Complaint, **IT IS HEREBY ORDERED** that Plaintiff's Complaint is **DISMISSED** for lack of federal subject matter jurisdiction and failure to state a claim within the jurisdiction of this Court on which relief can be granted. 28 U.S.C. § 1915 (e)(2)(B)(ii).¹ Additionally, his Motion to Proceed in Forma Pauperis is **DENIED AS MOOT**

¹It appears that Plaintiff may have intended to file his complaint as a response to a matter currently pending in Bankruptcy Court. Bk. No. 03-35593 KJC.

BY THE COURT:

S/ _____
CLIFFORD SCOTT GREEN