

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

DELAINE ANDREWS : CIVIL ACTION
 :
 v. :
 :
 DELAWARE COUNTY HOUSING AUTHORITY, :
 U.S. DEPT. OF HOUSING AND URBAN :
 DEVELOPMENT SECTION & HOUSING :
 AUTHORITY : NO. 96-8408

MEMORANDUM AND ORDER

Fullam, Sr. J.

May , 1997

Plaintiff filed a complaint, apparently in a pro se capacity. The defendant Delaware County Housing Authority filed a Motion to Dismiss. Plaintiff filed an amended complaint, and has also tendered a second amended complaint. There is little or no difference among the various versions of the complaint.

The defendant's Motion to Dismiss, and the accompanying brief, assert that plaintiff has no claims within the jurisdiction of this Court, since the Delaware County Housing Authority is not a federal agency, nor is it an agent for the Department of Housing and Urban Development, and plaintiff is asserting merely state-law claims against the Housing Authority. But the defendant repeatedly makes the puzzling assertion that, since HUD is not named as a defendant in this case, there is no possibility of exercising supplemental jurisdiction over the state law claims involving the Housing Authority. This is indeed strange, since even the most casual reading of all three versions of plaintiff's complaint reveals that, both in the caption and in the body of these

pleadings, the defendants include "U.S. Dept. of Housing and Urban Development, Section 8 Housing Authority, Philadelphia Office Region III."

Be that as it may, all three of plaintiff's complaints and amended complaints will be dismissed, for the following reasons:

1. The residence address of plaintiff is not set forth.
2. It is impossible to decipher what claims plaintiff is actually asserting, and what relief is requested. Although the Department of Housing and Urban Development is apparently intended to be named as a defendant, its only involvement, so far as alleged by plaintiff, seems to have been that its regulations were not scrupulously followed by the defendant Housing Authority. Plaintiff's apparent belief that HUD or the Housing Authority, or both, are legally liable to plaintiff because a holdover tenant allegedly damaged plaintiff's property is, needless to say, entirely without basis in law.

3. The only reference to any possible claim against either of the defendants which would be within the jurisdiction of this Court is plaintiff's vague references to "discrimination." Yet the various complaints contain nothing specific or sufficiently concrete to satisfy plaintiff's burden of establishing this Court's jurisdiction.

Plaintiff will be afforded one final opportunity to file an amended complaint which is legally sufficient. Otherwise, her breach-of-contract and related state law claims against the Housing

Authority should be addressed in an appropriate state court.

It should be noted, also, that plaintiff has not achieved valid service of process on either of the defendants, and has apparently made no attempt whatever to make service upon the Department of Housing and Urban Development. If plaintiff intends to proceed further in this court, these deficiencies will also have to be rectified.

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

DELAINE ANDREWS	:	CIVIL ACTION
	:	
v.	:	
	:	
DELAWARE COUNTY HOUSING AUTHORITY,	:	
U.S. DEPT. OF HOUSING AND URBAN	:	
DEVELOPMENT SECTION & HOUSING	:	
AUTHORITY	:	NO. 96-8408

ORDER

AND NOW, this day of May, 1997, IT IS ORDERED:

1. Plaintiff's complaint, amended complaint and second amended complaint are all DISMISSED.
2. Plaintiff is granted a period of thirty (30) days in which to file an amended complaint, if desired. No further amendments will be permitted.

John P. Fullam, Sr. J.