

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

ANGEL MALDONADO : CIVIL ACTION
v. :
ELIZABETH MALDONADO : NO. 97-7469

M E M O R A N D U M

DUBOIS, J.

DECEMBER 11, 1997

Plaintiff, Angel Maldonado, an inmate, at State Correction Institution at Graterford, has filed a pro se Complaint against Elizabeth Maldonado in which he makes two claims: (1) defendant totally destroyed all the windows and slashed all the tires of plaintiff's 1984 Volkswagen, and (2) defendant falsely accused plaintiff of assault which constituted a violation of plaintiff's parole and resulted in his incarceration. As a result of defendant's conduct, plaintiff claims that he has been deprived of his liberty and has suffered mental anguish, anxiety, psychological pressures, and unemployment.

With his Complaint, plaintiff filed a Motion to Proceed In Forma Pauperis under 28 U.S.C. § 1915. As it appears he is unable to pay the cost of commencing this action, leave to proceed in forma pauperis will be granted. However, because plaintiff asserts no basis of federal jurisdiction in the Complaint, and the Court concludes there is no federal jurisdiction, the action will be dismissed as legally frivolous pursuant to 28 U.S.C. § 1915(e)

(2)(B).

District courts have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States. 28 U.S.C. § 1331. Plaintiff does not assert any basis for federal question jurisdiction in his Complaint and, under the allegations of the Complaint, the Court concludes there is no federal question jurisdiction.

District courts also have jurisdiction of all civil actions where the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between citizens of different states. 28 U.S.C. § 1332. Plaintiff does not allege that he and the defendant are citizens of different states and thus there appears to be no basis for diversity jurisdiction.

Because there is no federal jurisdiction the Court will dismiss the action without prejudice to plaintiff's right to bring an appropriate action in state court.

An appropriate Order follows.