

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

REV. JAMES JONES, PRO SE : **CIVIL ACTION**

vs. :

OMNI BANK, : **NO. 98-2223**
HEIDELBURG BRANCH; :
JOHN MICHAEL SIMS; :
MARIAH SPRINGS, INC.; :
PAUL BROADHEAD INTEREST, INC.; :
MID-STATE LAND & TIMBER CO.; :
SURVEYING SERVICES INC.; :
ENGINEERING PLUS SURVEYING; :
B & B SAND & GRAVEL INC.; :
FRANKLIN D. SHOEMAKER; :
JANIS SUMRALL; :
MONROE ALLEN :
CONSTRUCTORS INC.; :
CLARKE COUNTY SHERIFF DEPT.; :
WILLIAM JONES ESTATE; :
MABLE ARRINGTON ESTATE; :
LINGLE & GRIFFIS & SOUTHERN :
PLLC, ATTORNEY-AT-LAW; :
V. KEELER & ASSOCIATES INC.; :
MARIAH PARKER; :
JASPER COUNTY SHERIFF DEPT.; :
CIBIK & CATALDO, :
ATTORNEY-AT-LAW; :
ACCESS PARATRANSIT INC.; :
GIANT RECREATION WORLD INC.; :
CINNAMINSON POLICE DEPT. :

ORDER AND MEMORANDUM

ORDER

AND NOW, to wit, this 29th day of October, 1998, upon consideration of
plaintiff's Complaint (Doc. No. 1, filed April 27, 1998), plaintiff's letter to the Court of

July 13, 1998 (Doc. No. 11, filed July 17, 1998), defendants John Michael Sims, Mariah Springs, Inc., Paul Broadhead Interest, Inc., Mid-State Land & Timber Co., Surveying Services, Inc., Engineering Plus Surveying, and Jasper County Sheriff's Department's Consolidated Motion to Dismiss For Lack of Jurisdiction (Doc. No. 7, filed May 29, 1998), defendants John Michael Sims, Mariah Springs, Inc., Paul Broadhead Interest, Inc., Mid-State Land & Timber Co., Surveying Services, Inc., Engineering Plus Surveying, and Jasper County Sheriff's Department's Memorandum in Support of Consolidated Motion to Dismiss And, Alternatively, For A Judgment On The Pleadings And/Or To Strike (Doc. No. 8, filed June 1, 1998), and Motion of Defendant, Cinnaminson Township Police Department, to Dismiss Plaintiff's Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(2), (4), (5), and (6) (Doc. No. 10, filed June 19, 1998), for the reasons set forth in the accompanying Memorandum, **IT IS ORDERED**, sua sponte, that plaintiff's Complaint is **DISMISSED** as to all defendants for lack of subject-matter jurisdiction **WITHOUT PREJUDICE** to plaintiff's right to file suit in any court with subject-matter jurisdiction and jurisdiction over the individual defendants.

IT IS FURTHER ORDERED that the Consolidated Motion of defendants John Michael Sims, Mariah Springs, Inc., Paul Broadhead Interest, Inc., Mid-State Land & Timber Co., Surveying Services, Inc., Engineering Plus Surveying, and Jasper County Sheriff's Department to Dismiss For Lack of Jurisdiction is **GRANTED** for lack of subject-matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1), and **DENIED** in all other aspects **AS MOOT**; the Motion of Defendant, Cinnaminson Township Police

Department, to Dismiss Plaintiff's Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(2), (4), (5), and (6) is **DENIED AS MOOT**.

MEMORANDUM

I. Background

The instant Motions are before this Court in response to a set of documents filed by pro se plaintiff Reverend James E. Jones on April 27, 1998. These documents include six (6) hand-written pages summarizing plaintiff's claims which, although untitled, shall be considered the "Complaint"¹ for the purposes of this Order and Memorandum, along with twelve (12) pages of assorted correspondence and other miscellaneous photocopied documents. Claiming the existence of a "25 year Land Fraud Conspiracy," plaintiff's Complaint names more than twenty (20) organizations and individuals as defendants, and lists the following claims (each as stated by plaintiff): "Land Fraud Conspiracy," "Breach of Contract," "Trespassing / Criminal," "Obstruction of Justice," "Cover-Up by Local Sheriffs Departments," "Negligence Legal Malpractice By Attorneys-At-Law," "False Arrest / E-Legal Seizure of Personal Property RE: 1995 Coachman 32 ft. Motor Home," "Racism / Prejudice," "Libel / Slander," and "Church Bombing Threats." In his Complaint, plaintiff states: "This is a major Land Fraud Conspiracy an attempt to take my 'birth right' land my Great Grandmother has owned this valuable 104 acres of land since

¹ This document, although left untitled by plaintiff, was deemed to be the Complaint by the office of the Clerk of Court, which added the word "Complaint" at the top of the first page along with the civil action number.

1915” [sic] (emphasis in original).

Because the Court is mindful that pro se plaintiffs cannot be held to the same stringent standards of pleading and proof as professional attorneys, the Court will consider plaintiff’s eclectic collection of supporting documents along with his Complaint in assessing the validity of his claims. Documents submitted by plaintiff with his Complaint include, inter alia: several pieces of correspondence from 1993, 1996 and 1997; a copy of an unidentified newspaper article, undated, entitled “Investor plans bottled water plant in Jasper County [Mississippi];” a Specific Power of Attorney by and between Rev. Jones and Percy Jones, Jr. of Atlanta, Georgia, from October, 1996; a Trespass Complaint in Clarke County, Mississippi apparently signed out by plaintiff against some of the same defendants named in the instant Complaint, filed on or about November 3, 1997; a United States Bankruptcy Court for the Eastern District of Pennsylvania Notice of Commencement of Case Under Chapter 13 of the Bankruptcy Code setting a “Meeting of Creditors, and Fixing of Dates,” naming James E. Jones as Debtor and setting a meeting of creditors in Philadelphia on March 8, 1996; and a variety of other documents whose origin and relevance cannot be divined by the Court due to the minimal information provided by plaintiff.

On July 17, 1998 the Court received a letter from plaintiff (Doc. No. 11) enclosing the following: a July 6, 1998 letter from defendants Richard M. Lingle and Tommie Arrington of Lingle, Griffis & Southern, PLLC, Attorneys at Law, located in Jackson, Mississippi to “All the Heirs of Mariah Phillips;” a “Petition For Granting Letters of

Administration” apparently filed by Mr. Arrington in the Chancery Court of Clarke County, Mississippi at an unknown date; an “Order Granting Letters of Administration” to Mr. Arrington from the Chancery Court of Clarke County, Mississippi, signed by an unidentifiable “Chancellor” on or about March 27, 1998; a “Bond of Guardian or Administrator” from the Great River Insurance Company dated May 15, 1998; and a letter to plaintiff from W.J. Blake, Postal Inspector of Jackson, Mississippi, dated June 4, 1998. Most of these documents bear plaintiff’s own handwritten notes, on the margins and between lines; in and among plaintiff’s letter to the Court and these attached documents, plaintiff adds details to his initial claims against defendants Mr. Lingle and Mr. Arrington, and asserts various claims of fraud perpetrated by these defendants, a claim of collusion and/or conspiracy by the Chancery Judge of Clarke County, Mississippi in the “Order Granting Letters of Administration,” and a claim of “mail fraud and obstruction of justice” against Mr. Vaughn Blackwell, Postmaster of Heidelberg, Mississippi, based on his return to plaintiff of a piece of registered mail allegedly sent by plaintiff to defendant John M. Sims at the Omni Bank in Heidelberg. Mr. Blackwell has never been named as a defendant in this action.

In the interest of completeness, the Court notes that several documents were sent by plaintiff with his Summons to at least one defendant, Cinnaminson Township Police Department, which plaintiff never provided to the Court. These include, inter alia: a photocopied section of a map of Clarke County with plaintiff’s hand-written notes alleging (along with some of the claims asserted in his Complaint, mentioned above)

“Land Fraud and Swindle,” and “Breach of Contracts / Forgery;” a four-page document, also bearing numerous hand-written additions by plaintiff, entitled “How To Make a Slave,” written by a “Willie Lynch” and bearing the name of a Memphis, Tennessee bookstore (the title page bears plaintiff’s notation, “This is the copy sent with certified mail 10/25/95 from This ‘KKK White Devil!’” [sic] (emphasis in original)); and additional correspondence from defendant John M. Sims to plaintiff and others, dated 1995 and 1997.

In response to plaintiff’s filing, defendants John Michael Sims, Mariah Springs, Inc., Paul Broadhead Interest, Inc., Mid-State Land & Timber Co., Surveying Services, Inc., Engineering Plus Surveying, and the Jasper County Sheriff’s Department sought to dismiss plaintiff’s Complaint on jurisdictional grounds pursuant to Fed. R. Civ. P. 12(b)(1) and (b)(2), alleging failure by plaintiff to set forth any basis for subject matter or personal jurisdiction, respectively. In addition, these defendants sought a dismissal pursuant to Fed. R. Civ. P. 12(b)(6), arguing that plaintiff had failed to state a claim upon which relief could be granted, and further invoked Fed. R. Civ. P. 12(c), (e) and (f), which offer relief in the forms of a judgment on the pleadings, a request for a more definite statement, and the striking of immaterial and irrelevant matters from a complaint, respectively. Defendant Cinnaminson Township Police Department (“Cinnaminson”) filed a separate Motion to Dismiss for lack of jurisdiction over the person pursuant to Fed. R. Civ. P. 12(b)(2) and for failure to state a claim upon which relief can be granted under Fed. R. Civ. P. 12(b)(6). Defendant Cinnaminson also alleged multiple flaws in

plaintiff's service of process and moved to strike the service under Fed. R. Civ. P.

12(b)(4) and 12(b)(5).

As far as the Court is able to determine from plaintiff's Complaint, the assorted correspondence and court filings, and plaintiff's own often substantial and frequently obscure notations throughout his submitted documents, this case involves a land dispute in Clarke County, Mississippi, centering on the disposition and development of the "Mariah Phillips Estate." The papers refer to numerous disputes which have taken place over the boundaries and legal rights to this land, beginning as early as 1993. The above-mentioned newspaper article entitled "Investor plans bottled water plant in Jasper County" and several pieces of correspondence recite that plaintiff was, and possibly still is, President of "Mariah Phillips Estate, Inc.," a corporation whose goal apparently was to finance the "development, construction and management" of "Mariah Springs," a fresh-water bottling plant to be located on the disputed property. Plaintiff also alleges that the property contains resources including "Grade 8-A Best Cement Gravel / Sand" and some oil reserves. Plaintiff and several of the named defendants have apparently been engaged in a series of legal conflicts over this property since at least 1993, with plaintiff and others each claiming the rights to develop portions of the Mariah Phillips Estate and claiming that they speak for the heirs to the Estate. Plaintiff has accused defendant John M. Sims and others of trespassing on the land, and has also alleged that the Jasper County Sheriff, Kenneth Cross, colluded with defendant Sims in continued encroachments on what plaintiff regarded as land belonging to the Phillips Estate. It also appears that a rival

corporation, “Mariah Springs, Inc.,” associated with defendant Sims, was created to administer some portion of the property as early as 1995, and has been engaged in some legal action against plaintiff since around that time.

It is impossible from the documents before the Court to construct anything approaching a coherent chronology of events relating to this land dispute. What is clear is that the disposition of the Phillips Estate has created several competing claims which plaintiff now seeks to assert in this Court along with a variety of other allegations stemming from this dispute.

2. Discussion

The threshold inquiry before the Court in considering plaintiff’s Complaint and defendants’ Motions is whether the Court has subject-matter jurisdiction over any of plaintiff’s claims. If the Court determines there is no such jurisdiction, the merits of the case, whatever they may be, are not properly before the Court, and the Court must dismiss the Complaint without further consideration. Fed. R. Civ. P. 12(h)(3).

A. Jurisdiction of the Court

Subject-matter jurisdiction is the general term for the power of a federal court to consider the merits of a given case. 28 U.S.C. § 1330 et seq. In the Federal judicial system, not every claim is entitled to a hearing in federal court. Federal courts are courts of limited jurisdiction, empowered to hear only those cases and controversies which are within the judicial power of the United States, as defined by the Constitution, and provided for by jurisdictional grant by Congress. Bender v. Williamsburg School District, 475 U.S. 534, 541 (1988). It is thus a well-settled rule that a party seeking to invoke the jurisdiction of a federal court must demonstrate that the case is within the competence of such a court. The facts necessary to establish the existence of such jurisdiction must be affirmatively alleged in the complaint. Bingham v. Cabot, 2 Dall. 382, 1 L.Ed. 646 (1798); Randazzo v. Eagle-Picher Industries, 117 F.R.D. 557, 599 (E.D. Pa. 1987).

The two types of subject-matter jurisdiction most commonly asserted are federal question and diversity of citizenship jurisdiction. The federal question statute, 28 U.S.C. § 1331, gives federal courts original jurisdiction “of all civil actions arising under the Constitution, laws, or treaties of the United States.” Generally speaking, a case arises under federal law for purposes of section 1331 “if it is apparent from the face of the plaintiff’s complaint either that the plaintiff’s cause of action was created by federal law or if . . . a federal law that creates a cause of action is an essential component of the plaintiff’s claim.” Erwin Chemerinsky, Federal Jurisdiction § 5.2, 273-274. The general-

diversity statute, 28 U.S.C. § 1332(a), provides federal jurisdiction over cases in which the citizenship of each plaintiff is diverse from the citizenship of each defendant and the amount in controversy is in excess of \$75,000 exclusive of interest and costs. See C.T. Carden v. Arkoma Associates, 494 U.S. 185, 187 (1990).

Although defendant Sims and five other defendants have moved for dismissal under Federal Rule of Civil Procedure 12(b)(1) for lack of subject-matter jurisdiction, the Court may also examine whether it possesses subject-matter jurisdiction over plaintiff's claims against the other defendants, sua sponte, and it has done so. Fed. R. Civ. P. 12(h); Mt. Healthy City School District Board Of Education v. Doyle, 429 U.S. 274, 278 (1977). In considering the legal sufficiency of plaintiff's Complaint, the Court is mindful that pro se plaintiffs are not held to as high a pleading standard as other litigants, and thus pro se pleadings must be construed liberally by the Court. See Haines v. Kerner, 404 U.S. 519, 520 (1972). This does not mean, however, that the Court may infer facts or legal arguments central to plaintiff's claims which are not discoverable in plaintiff's Complaint or other documents before the Court. See, e.g., Hamilton v. Jamieson, 355 F.Supp. 290,

298 (E.D. Pa. 1973).² Filing a Complaint pro se does not exempt a plaintiff from pleading essential elements of his claim, nor does it excuse ignorance or lack of attention to the ordinary rules of civil procedure. See McNeil v. United States, 508 U.S. 106, 113 (1993) (noting that the Supreme Court has “never suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse mistakes by those who proceed without counsel.”); Wells v. Brown, 891 F.2d 591, 592-94 (6th Cir. 1988) (collecting cases where courts have required pro se litigants to adhere to basic pleading requirements).

While a pro se plaintiff might not be held strictly to the requirement of Fed. R. Civ. P. 8(a) that a complaint contain a “short and plain statement” of the grounds for federal jurisdiction, there must be some form of averment sufficient to establish subject-matter jurisdiction. Thus plaintiff’s Complaint must contain either an allegation of some claim arising under federal law, or, in the alternative, averments of the citizenship of plaintiff and defendants and the jurisdictional amount.

No allegations of citizenship, his own or that of the defendants, can be found in

² Judge Huyett explained the court’s duty towards pro se plaintiffs:

We are not required, however, to stretch our imagination to manufacture allegations to supplement the complaint or to assume facts inconsistent with it after finding that the facts alleged preclude relief. In considering pro se complaints, we will not hold them to a high standard in pleading matters of law, and will liberally infer facts which pro se plaintiffs through lack of knowledge and experience might omit. We will not, however, infer facts [that are] important, basic, and obvious

Hamilton, 355 F.Supp. at 298.

plaintiff's Complaint or any of the other documents submitted to the Court such as to support a finding of diversity jurisdiction. Plaintiff has provided the Court with a New Orleans, Louisiana mailing address, and the unattributed newspaper article mentions that plaintiff once resided in Philadelphia, Pennsylvania, but other than this information and the addresses listed for the more than twenty defendants named in this case, no information about the citizenship of any party has been offered. Nor is there any federal question raised in plaintiff's Complaint. On their face, plaintiff's claims would seem to stem in their entirety from a land dispute in Clarke County, Mississippi, claims which would ordinarily sound in state, and not federal, law. While plaintiff's allegations of collusion between the Jasper County Sheriff's office and some of the defendants might potentially state a claim under federal statutes, there is insufficient information included in plaintiff's filings to speculate about whether he might be able to satisfy the elements of any such statute.

Because the Court concludes that plaintiff has not satisfied his burden of making a statement of the grounds which establish federal subject matter jurisdiction as required by Fed. R. Civ. P. 8(a), the Court deems it unnecessary to examine the numerous problems presented by plaintiff's apparently improper service of process on multiple defendants. Likewise, the Court will not speculate as to the merits of plaintiff's case or his many claims. Suffice it to say that in the event plaintiff decides to bring suit against any of the defendants in any court, state or federal, and in addition to subject-matter jurisdiction, there must be jurisdiction over the person of each defendant in order for the case to

proceed.

3. Conclusion. For the foregoing reasons, the Court will grant the Consolidated Motion to Dismiss for Lack of Jurisdiction filed by defendants John Michael Sims, Mariah Springs, Inc., Paul Broadhead Interest, Inc., Mid-State Land & Timber Co., Surveying Services, Inc., Engineering Plus Surveying, and Jasper County Sheriff's Department on the ground that this Court lacks subject-matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1), and will deny the Motion in all other respects as moot; the Court will deny the Motion of Defendant, Cinnaminson Township Police Department, to Dismiss Plaintiff's Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(2), (4), (5), and (6) as moot; and the Court will order, sua sponte, that plaintiff's Complaint be dismissed for lack of subject-matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1) and 12(h)(3) without prejudice to plaintiff's right to file suit in any court, state or federal, with subject-matter jurisdiction and jurisdiction over the individual defendants.³

BY THE COURT:

³ After dictating this Order and Memorandum, the Court received, on October 29, 1998, a letter from the plaintiff with voluminous documents enclosed. All of such documents will be filed of record. The Court has reviewed the documents and concludes that they do not alter its decision with respect to the absence of subject matter jurisdiction on the present state of the record.

JAN E. DUBOIS