

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

MARIA MONTECALVO : CIVIL ACTION
 :
v. :
 :
JACQUELINE M. VIGILANTE, ESQ., and :
the LAW OFFICE OF KESSLER & :
GINDIN; PHYLLIS COLETTA, ESQ. and :
the LAW OFFICE OF JOSEPH YOUNG- :
BLOOD, GERALD CORCORAN, ALELI, :
LAFFERTY & STACKHOUSE, P.C. : NO. 99-4777

MEMORANDUM AND ORDER

Fullam, Sr. J. October , 1999

Plaintiff, Maria Montecalvo, has filed a Motion to Proceed In Forma Pauperis in this proposed civil action. She plainly qualifies for in forma pauperis status, and would ordinarily be permitted to proceed without payment of the filing fees, etc. But I conclude that the interest of justice would best be served by denying her application, without prejudice, for the following reasons.

Although plaintiff's proposed complaint contains much that is incomprehensible and much that is irrelevant, it is clear that she is accusing the defendant lawyers of mis-handling an employment-discrimination action (and, perhaps, other legal matters). It is also clear that some, or all, of the defendants are, like plaintiff herself, citizens and residents of Pennsylvania. There is thus no diversity jurisdiction, and this

court lacks subject matter jurisdiction over the proposed action. Plaintiff should have filed it in a state court.

If plaintiff is permitted to proceed in forma pauperis, the action would necessarily be dismissed immediately, for lack of jurisdiction. But in that event, the papers she has proffered as her complaint would remain on file in this court. Plaintiff has included, as part of her complaint, a very large number of documents and other evidence which she would, no doubt, have trouble duplicating in order to proceed in state court.

Her application for leave to proceed in forma pauperis will therefore be denied, without prejudice to her right to renew it if she can show that this court would have jurisdiction over the action. The Clerk of Court will be authorized to return all of the submitted documents to plaintiff, so that she can proceed in a state court if she decides to do so.

An Order to that effect follows.

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ORDER

AND NOW, this day of October, 1999, IT IS ORDERED:

1. Plaintiff's application for leave to proceed in forma pauperis is DENIED, WITHOUT PREJUDICE.

2. The Clerk is authorized to return to the plaintiff all of the documents which she has tendered for filing, so that she can proceed in an appropriate state court if she so desires.

John P. Fullam, Sr. J.