

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

DEBORAH BURKS,	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No.
	:	3:04 CV 747 (CFD)
A.D.T. ALARM SYSTEMS, et al.	:	
Defendants.	:	

RULING AND ORDER

On May 5, 2004, United States Magistrate Judge William I. Garfinkel issued a ruling granting the plaintiff's request to proceed in forma pauperis. After reviewing the file, the Court determines that the case is frivolous within the meaning of 28 U.S.C. § 1915(e)(2)(B)(i). The Court also finds that the plaintiff has failed to state a claim on which relief may be granted, within the meaning of 28 U.S.C. § 1915(e)(2)(B)(ii) and that there is no basis for subject matter jurisdiction.

The nature of the plaintiff's cause of action is not entirely clear from her complaint [Doc. # 5]. Most of the complaint is hand written on a yellow legal pad and much of it is either illegible or incoherent. However, the plaintiff primarily appears to be asserting allegations of malpractice and perhaps fraud against her former attorney, Alan E. Silvers. Though the complaint makes numerous factual allegations against Silvers, none of these allegations suggests a claim "arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331.

Moreover, there does not appear to be diversity of citizenship between the parties. While the plaintiff does not allege her own citizenship, she apparently resides at 111 Burnham Street in Bridgeport, Connecticut. Of the nine defendants listed in the case caption, the complaint alleges the citizenship of two—Rent-A-Center and Alan Silvers—and both are alleged to be citizens of Connecticut.

Regardless of the citizenship of the other seven defendants there cannot be complete diversity of citizenship between the parties if at least one of the defendants is a citizen of the same state as the plaintiff. See Briarpatch Ltd., L.P v. Phoenix Pictures, Inc., No. 03-7015, 2004 WL 1418115, at *3 (June 25, 2004 2d Cir.) (“The citizenship requirement for diversity jurisdiction has been interpreted to mean complete diversity so that each plaintiff’s citizenship must be different from the citizenship of each defendant”). Here, because the plaintiff is apparently a citizen of the same state as defendants Alan Silvers and Rent-A-Center, there is no diversity of citizenship.

For the foregoing reasons the case is DISMISSED as the action is frivolous and fails to state a claim on which relief may be granted, see 28 U.S.C. § 1915(e)(2)(B)(i) and (ii), and the Court does not have subject matter jurisdiction over the asserted claims. The clerk is directed to close this case.

SO ORDERED this 10th day of August 2004, at Hartford, Connecticut.

/s/ CFD
Christopher F. Droney
United States District Judge