

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JEAN DONALD ST. AUBIN

v.

SIMONE C. ST. AUBIN

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Civil No. JFM-09-1016

MEMORANDUM

Plaintiff has brought this pro se action, alleging that his former wife has received Social Security disability benefits for her son under plaintiff's own disability benefits. Plaintiff requests this court to order that the Social Security Administration remove the minor child from his Social Security benefits and place his under the Social Security benefits of the defendant.

Defendant has filed a motion to dismiss to which plaintiff has responded. The motion will be granted. As defendant alleges, there is no basis for subject matter jurisdiction in this court. If plaintiff is of the view that defendant has and is improperly receiving Social Security Disability payments, he must file an appropriate action against her in the courts of Maryland in light of the fact that there is no diversity of citizenship between the parties.

A separate order of dismissal is being entered herewith.

Date: June 23, 2009

/s/

J. Frederick Motz
United States District Judge

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ORDER

For the reasons stated in the accompanying memorandum, it is, this 23rd day of June
2009

ORDERED

1. Defendant's motion to dismiss is granted; and
2. This action is dismissed for lack of subject matter jurisdiction.

/s/

J. Frederick Motz
United States District Judge