

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

VESTA ROMAINE WEST

v.

STARVING STUDENTS

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* Civil No. JFM-09-2640
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MEMORANDUM

Plaintiff has filed a motion for default judgment.

Upon reviewing the motion, it is abundantly clear to me that this court lacks subject matter jurisdiction over plaintiff's claim. Although plaintiff and defendant are citizens of different states, there is no diversity of jurisdiction because the amount in controversy is less than \$75,000. Likewise the allegation that defendant committed wire fraud is insufficient to give rise to federal question jurisdiction.

For these reasons the motion for default judgment will be denied and the action will be dismissed for lack of subject matter jurisdiction. However, in light of the fact that plaintiff has paid a filing fee and, according to the allegations in the complaint, has already been subjected to wrongdoing by the defendant, the order I am entering herewith will also direct that the Clerk return to plaintiff the filing fee she has paid.

Date: 2/17/2010

/s/
J. Frederick Motz
United States District Judge

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ORDER

For the reasons stated in the accompanying memorandum, it is, this 17th day of February
2010

ORDERED

1. Plaintiff's motion for default judgment (document 10) is denied;
2. This action is dismissed for lack of subject matter jurisdiction; and
3. The Clerk is directed to return to plaintiff the filing fee she has paid.

/s/

J. Frederick Motz
United States District Judge